

VILLAGE OF MILLINGTON
SANITARY SEWER INFLOW AND INFILTRATION REDUCTION
ORDINANCE #88

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Section 1– Purpose

The purpose of this division is to reduce the volume of storm water to the village sanitary sewer system; to provide for inspection of potential sources of storm water inflow and infiltration; and to provide for penalties for violation of this division.

Sec 2– Definitions

For purposes of this division, the definitions of the following words or terms shall control:

Sanitary sewage. Domestic wastes from residences and domestic type wastes from business buildings, institutions, industrial establishments and all other sources, and may also include ground water unintentionally seeping into the sanitary sewage pipe.

Sanitary sewer system. A sewer that carries sewage and to which storm, surface and subsurface waters are not intentionally admitted.

Sewage. A combination of water and water-carried wastes from residences, business buildings, institutions, industrial establishments and any other sources, together with such subsurface, surface and storm water as may unintentionally be present.

Sewer. A pipe or conduit for carrying storm and/or sewage.

Storm sewer or storm drain. Any sewer or drain, either natural or artificial, which is intended expressly for the conveyance of storm and surface water, seepage, percolating or uncontaminated water, but excludes sewage and polluted industrial wastes.

Storm water. All rainfall runoff, all other surface water, seepage, percolating or flowing through the soil.

Section 3– Discharge of storm water to sanitary sewer prohibited.

It shall be unlawful for any person to discharge or drain, or cause to be discharged or drained, any storm water into the sanitary sewer system.

Section 4– Modifications and corrections to existing storm water systems required.

It shall be the responsibility of each owner of real property with the village to do or cause to be done the following:

- (1) Downspouts on all buildings shall be directed away from the building so that the storm water is discharged from the downspout a minimum of four feet from the building.

- (2) No owners shall sell real property, which is improved with a building without first obtaining from the city a certificate that states that no sump pump or other device which discharges storm water is connected to the sanitary sewer system. No purchaser shall purchase real property unless the seller has provided the purchaser with the required certificate of sump pump and sewer compliance prior to closing of the sale.

Section 5– Disconnection during uncovering of sanitary sewer connection.

If any portion of the sewer or drainage system is uncovered and it is determined that storm water is being discharged or drained into the sanitary sewer, the storm sewer or storm water source shall be disconnected and directed into the storm water drainage system of the village. The disconnection shall be inspected by the village prior to covering up of the sanitary sewer and storm sewer lines.

Section 6– Application for certificate – Procedures.

Certificates of compliance with this division shall be issued in accordance with the following procedures.

- (1) *Application and fee.* Applications for certificates of compliance with this division shall be filed with the village department of public works coordinator or his designee by the owner of real property at least ten days prior to the transfer of ownership, by deed, land contract sale or otherwise. Applications shall be submitted on the form furnished by the village department of public works coordinator and shall be accompanied by a fee in the amount of \$75.00. This fee shall be subject to re-determination by the village council of the village by resolution of the council.
- (2) *Inspection.* Upon receipt of a completed application, the village department of public works coordinator or his designee shall conduct an inspection of the property in order to determine compliance with the provisions of this division. If a violation is discovered during the inspection, the property owner shall be mailed a notice within three (3) business days of the inspection, which shall describe the violation and the action needed for compliance.

Section 7– Enforcement.

- (a) *Notice.* Before commencing prosecution under this division, for the first violation, the enforcement officer shall notify the violator(s) of the existence of a violation under section 3 above. Such notice shall be in writing and served upon the violator(s), either personally or by first class mail sent to the last known address of the violator(s) or to be the common address of the property upon which the violation exists. The violator(s) shall be given five days from the date of personal service or seven days from the date of mailing the notice in which to remedy the violation or contact the department of public works coordinator to set up a timetable for compliance.
- (b) *Civil infractions.* If the violation is not remedied within the five-day period, the person found to be violating this division shall be responsible for a municipal civil infraction, subject to payment of a civil fine \$100.00, plus costs and other sanctions for this first violation. In addition to the civil fine provided in this division, the village shall also recover its costs, including all direct and indirect expenses to which the village has been put in connection with the violation.

A violator of this division shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under state law.

- (c) *Repeat offenses.* Repeat offenses under this division shall be subject to increased fines as provided by this section, below. As used in this section, “repeat offenses,” means a second (or any subsequent) violation of the same requirement or provision of this division for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this division shall be as follows:

- (1) The fine for any offense, which is a first, repeat offense, shall be \$250.00, plus costs.
- (2) The fine for any offense, which is a second repeat offense, or any subsequent repeat offense, shall be \$500.00 each, plus costs.
- (d) *Separate violation.* Each day that a violation under this division continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.
- (e) *Threat to health, safety and welfare of the community.* If the department of public works coordinator or code enforcement officer determines that situation causes or will cause an immediate, imminent and/or impending threat to the health, safety and welfare of the community, or if the condition which causes the violation of this division is not corrected within 90 days of the first notice of violation, the village may proceed to abate, re-mediate or otherwise eliminate the offending condition and may assess all costs incurred by the village, including attorneys' fees and other costs, against the real property. The village shall have a lien for the costs, which it incurs against the real property on which the offending condition existed. This lien for costs shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of the Michigan Public Acts of 1983, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- (f) *Civil judgment.* In addition to other remedies under this division, the village may bring an action against the owner of the property on which the offending condition existed for the full costs incurred by the village in cleaning up and abating the offending condition. In such action, the village shall be entitled to recover its costs of suit, together with its reasonable attorney fees.

Section 8 – Appeal.

Where the enforcement of any part of this division constitutes a hardship, and upon appeal by the property owner, the village council may waive any such part of this division as it deems necessary.

ATTEST:

BY: Rebecca Kochendeyfer
VILLAGE CLERK

VILLAGE OF MILLINGTON

BY: Janet Peimet
ITS: VILLAGE PRESIDENT

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 88, duly adopted by the Council of the Village of Millington at a Regular meeting held on January 14, 2013 at 6:00 p.m. in the Council Chambers of the Municipal Building, Millington, Michigan, and that said Ordinance No. 88 was on the January 18, 2013, published in the Millington Herald, a newspaper printed and circulated in the Village of Millington.

VILLAGE OF MILLINGTON

BY: Rebecca Kochendeyfer
ITS: VILLAGE CLERK