

ORDINANCE NO. 327
CHARTER TOWNSHIP OF EAST CHINA
ST. CLAIR COUNTY, MICHIGAN
TO AMEND ORDINANCE 117, CHAPTER 453, Sections 8 and 9
SEWER USE REGULATIONS

[Adopted 11-18-1980 by Ord. No. 117 as Ch. 6-03 of the 1980 Code]

§ 453-8. Sewer use regulations.

A. Unpolluted drainage.

(1) Restrictions.

(a) Stormwater, surface water, groundwater, or roof water. It shall be unlawful for any person, corporation or other legal entity, directly or indirectly, to cause, permit, allow or suffer the discharge of stormwater, surface water, groundwater, or roof water into the sanitary sewer system of the Township through connections, openings, lines, or systems situated on the premises owned, used by or under the direct or indirect control of any person, corporation or other legal entity.

(b) Inflow sources. No person shall permit any new connections from inflow sources into the sanitary sewer portions of the sewer system.

(c) The use and drainage from weep tiles or other similar objects, such as downspouts, collecting and/or draining water outside of the basement and draining into the basement and/or sanitary sewer system, is specifically prohibited.

§ 453-9. Violations; disconnection; action to correct; hearing.

A. Disconnection. Any person, corporation or other legal entity who owns a premises which is in violation any of the provisions of this article is responsible for a municipal infraction, as detailed herein. In addition to all other rights and remedies provided herein, the Township may disconnect any water/sewer connection that is in violation of this article until the violation is corrected and the Township is reimbursed for all costs and fees incurred in pursuing and correcting the violation and all fines related to the violation are paid in full.

B. Action to correct.

(1) By Township. If a premises is in violation of this article, the Township may elect to perform the work necessary to correct the violation and/or contract to have such correction made. In such event, the cost of making such correction shall be charged and assessed against the premises upon which the violation was occurring as a municipal lien and added to the tax roll for the premises as an assessment to be collected in the same manner as property taxes. Further, the owner of such premises shall be responsible for all costs and fees incurred in pursuing and correcting the violation and all fines and the Township may pursue collection via civil action.

(2) Written notice to owners. Prior to the Township, its agents or subcontractors correcting a violation of this article, the person in possession of said premises and the record owners as disclosed by the records in the St. Clair County Register of Deeds Office shall be given written notice of the violation (the "Violation Notice") and time to correct the violation, not to exceed 45 days, as determined by the Township in its sole discretion. The Violation Notice shall also advise the owner of their right to request a hearing within 21 days of the date of the Violation Notice. The cost of determining the owners and parties in possession of any premises upon which a violation is or has occurred, together with any attorney fee, recording, title search, or other such similar expense, shall be included in and made a part of the lien above provided for.

C. Hearing.

(1) Determination. A person who receives a Violation Notice may request a hearing (the "Violation Hearing") before the Township Supervisor concerning the violation by submitting a written request for a hearing to the Township Clerk or Supervisor within 21 days of the date of the Violation. If a written request for a Violation Hearing is timely received, the Township Supervisor shall schedule a Violation Hearing as detailed herein. If a written request for a Violation Hearing is not timely received or the violation is not corrected within the time required in the Violation Notice, the owner of the property involved shall be responsible for a municipal civil infraction subject to Subsection E regarding Noncompliance below.

(2) Service of Notice of Violation Hearing. Upon timely receipt of a request for a Violation Hearing the Supervisor shall set a time and place for a Violation Hearing, and written notice (the "Hearing Notice") thereof shall be given to all interested parties as provided herein.

(a) Personally. The Hearing Notice may be served personally.

(b) Registered or certified mail. The Hearing Notice may be served by registered or certified mail, return receipt requested, addressed with postage prepaid to the last known address of the party and/or to the addressed identified on the written request for the Violation Hearing.

(c) Publication. In the event that a party cannot be found within the Township, and no address is known or can be found for him, upon approval of the Township Attorney the Hearing Notice may be served by publication for three successive days, at least 10 days prior to the date set for Violation Hearing, in a newspaper of general circulation published in the Township.

(d) Posting on structure. In every case a copy of the Hearing Notice shall be posted in a prominent place on the dwelling or structure located on the subject property at least 15 days prior to the hearing.

(e) Interested party defined. For the purpose of this section, an "interested party" shall be any person or entity listed on the assessment roll or found upon the premises. If the identity of an interested person is not known, the Hearing Notice may be directed to "All Parties With an Interest" in the subject property.

(f) Proof of service. Proof of service of the Hearing Notices shall be filed with the Township Clerk on or before the date of the Violation Hearing.

(3) Conduct of the Violation Hearing. The Supervisor shall conduct the Violation Hearing, which is a non-public hearing. The Violation Hearing may be recorded and/or minutes of the Violation

Hearing shall be approved by the Supervisor. An interested party may, at its expense, have counsel present at the Violation Hearing and has the right to introduce relevant evidence, to examine and/or cross examine witnesses, and to have their objections to the Violation Notice heard by the Supervisor. The Township enforcing officer may be represented by counsel assigned by the Township Attorney at the Violation Hearing. The Supervisor may set rules of procedure and conduct related to the Violation Hearing.

(4) Findings.

(a) Measure of proof. After considering evidence, testimony and arguments presented at the Violation Hearing the Supervisor shall determine whether a violation of this article exists based upon a preponderance of all the evidence. The Supervisor shall render his/her decision after a Violation Hearing in writing sent to all parties.

(b) Decision. If the Supervisor determines that a violation exists, the written finding shall recite the basis thereof in sufficient detail to identify the evidence relied on to reach the finding. Copies of written determination of shall be distributed to the enforcing officer and each interested party.

(c) Dismissal. If, after a Violation Hearing, the Supervisor determines a violation does not exist, the Violation Notice shall be dismissed and no further action taken thereon.

D. Compliance period. If, after a Violation Hearing, the Supervisor determines a Violation exists, the Supervisor may, in his/her discretion, allow time to correct the violation not to exceed 45 days.

E. Noncompliance.

(1) Township action to correct. In the event a violation is not corrected within the time demanded in the Violation Notice or, if a Violation Hearing occurred, the time allowed by the Supervisor, if any, the owner of the subject property shall be responsible for a municipal civil infraction, the fine of which shall be \$100 per day after the time to correct has expired. In addition to all other remedies available under the law, the Township may, in its sole discretion, correct such violation through its own agents and subcontractors. All costs and fees incurred by the Township to pursue and correct a violation shall be the responsibility of the owner of the subject property and shall constitute a lien on the subject property to be added to the tax rolls as special tax against said premises collected in the same manner as property taxes. The Township may also pursue collection of all costs and fees by pursuing a civil action against the owner of the subject property.

SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section, or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

REPEAL

All Ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE

This Ordinance shall become effective upon publication after adoption.

INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Hall, 5111 River Road, East China, Michigan 48054, during regular posted office hours.

Sandra Smith, Clerk

Charter Township of East China

I hereby certify that the foregoing constitutes a true and complete copy of **Ordinance Number 327**, duly adopted by the Township Board of the Charter Township of East China, St. Clair County, Michigan, at a regular meeting held on the **4th of March, 2024**, at which all members were present, except _____, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member _____ moved for adoption of said Ordinance and that Member _____ supported said Motion. I further certify that the following Members voted for adoption of said Ordinance: Westrick, Smith, Hart, Blackstock, Babel, Reichle, Knotts and that the following Members voted against adoption of said Ordinance: None.

I further certify that the following events and dates occurred in the adoption of this Ordinance.

Sandra Smith, Clerk

Charter Township of East China

DATE INTRODUCED: February 20, 2024

DATE PUBLISHED: March 3, 2024, Times Herald Newspaper

DATE ADOPTED AFTER INTRODUCTION: March 4, 2024

DATE PUBLISHED AFTER ADOPTION: March 8, 2024, Times Herald Newspaper

EFFECTIVE DATE: March 8, 2024