

ORDINANCE NO. 10-02

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CORUNNA, MICHIGAN, CHAPTER 78, UTILITIES, ARTICLE II. SEWER SERVICES BY ADDING DIVISION 5. ILLEGAL SANITARY CONNECTIONS/POINT OF SALE INSPECTIONS, SECTIONS 78-124 THROUGH 78-134, OF THE CITY OF CORUNNA CODE.

THE CITY OF CORUNNA, MICHIGAN, ORDAINS:

SECTION I. AMEND CHAPTER 78. UTILITIES, BY ADDING DIVISION 5, ILLEGAL SANITARY CONNECTIONS/POINT OF SALE INSPECTIONS, OF THE CITY CODE OF THE CITY OF CORUNNA, MICHIGAN, shall be as follows:

DIVISION 5

ILLEGAL SANITARY CONNECTIONS/POINT OF SALE INSPECTIONS

Section 78-124. Definitions.

When used herein, the following words shall have the following meanings:

- a. Applicant: Any Person(s) (as defined below) Selling Real Property (as defined below) or Purchasing Real Property (as defined below) located within the City of Corunna.**
- b. Evidence of Compliance Certificate: A certificate issued from a properly licensed inspector/contractor, as approved and defined by the City of Corunna, confirming in the form of a written report or statement certifying that there is not located on a property any illegal connections (as defined below) into the Sanitary Sewer System (as defined below).**
- c. Illegal Connections: Connections to the Sanitary Sewer System that allow storm/surface/ground water to be discharged into the City's Sanitary Sewer System from sources including, but not limited to; sump pumps, down spout drainage, roof drainage, areaway drainage, and deficient sewer laterals allowing excessive groundwater inflow.**
- d. Inspection: The term "inspection" shall include, at a minimum, a physical inspection of the property. Any other testing procedure needed, such as dye testing, smoke testing and a CCTV (Closed Circuit Television) inspection of the lateral to determine if any storm/surface/ground water is entering the Sanitary Sewer System may be required by the city.**

- e. Inspector/Contractor: A properly licensed and insured plumber/contractor approved by the City Manager or DPW Director and/or his/her assigned agents.**
- f. Person: Any natural person, partnership, association, authority, syndicate, firm, corporation, developer, contractor, government, or other entity recognized by law as the subject of rights and duties.**
- g. Purchase Real Property, Purchasing Real Property, Transfer of Ownership: The terms “Purchase Real Property”, “Purchasing Real Property”, Transfer of Ownership”, include any and all acquisitions of title to real property with or without consideration.**
- h. Purchaser: A Person acquiring title to real property with or without consideration.**
- i. Sale of Real Property, Sell Real Property/Selling Real Property: The terms “Sale of Real Property”, “Sell Real Property” and “Selling Real Property” include any and all transfers or changes in ownership of real property, with or without consideration.**
- j. Sanitary Sewers: Sewers designed and built to carry sanitary sewage and/or industrial waste separately from water discharge.**
- k. Sanitary Sewer System: The entire Sewer System of the City of Corunna.**
- l. Seller: A Person transferring or conveying title of real property to another Person.**
- m. Storm Sewer System: A sewer system designed to accept and transport flows of storm/surface/ground water, as distinct from sewage.**

Section 78-125. Prohibitions.

- a. From and after the effective date of this Ordinance, it shall be unlawful for any Person to construct, install, maintain, repair, operate, use, or allow an illegal connection to the Sanitary Sewer System on real property owned by that Person. This prohibition expressly includes, without limitation, Illegal connections made prior to the effective date of this Ordinance, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.**
- b. From and after the effective date of July 1, 2010, it shall be unlawful for any Person whose real property is connected to the Sanitary Sewer System to Sell Real Property located within the City of Corunna on which a building or improvement exists**

without first obtaining and delivering to the Purchaser (as defined above) and to the City of Corunna an Evidence of Compliance Certificate from a “Inspector/Contractor” as defined within this ordinance. This effective date does not apply to those properties found to be not in compliance under the inspection program conducted by the City under the SWQIF (S2) program in 2009/2010. Those properties found to be non-compliant properties under the SWQIF (S2) program are subject to an immediate corrective action plan as defined under the SWQIF (S2) project plan and upon correcting all noted deficiencies under such plan and receiving an Evidence of Compliance Certificate from an inspector/contractor approved by the City, are subject to the above transfer of ownership terms two years from the date that such Certificate of Compliance was given.

- c. From and after the effective date of July 1, 2010, it shall be unlawful for any Person (Purchaser) to Purchase Real Property located within the City of Corunna connected to the Sanitary Sewer System on which a building or improvement exists without first obtaining from a Seller a valid Evidence of Compliance Certificate and delivering such certificate to the City. Those properties found to be non-compliant properties under the SWQIF (S2) program are subject to an immediate corrective action plan as defined under the SWQIF (S2) project plan, and upon correcting all noted deficiencies under such plan and receiving an Evidence of Compliance Certificate from a inspector/contractor approved by the City, are subject to the above transfer of ownership terms two years from the date that such Certificate of Compliance was given.

Section 78-126. Disconnection of Illegal Connections.

Illegal connections must be disconnected from the Sanitary Sewer System, and redirected, as appropriate, to either a separate Storm Sewer System, or another appropriate legal place. Connection of the illegal connection to the City’s separate Storm Sewer System is subject to the prior approval of the City. In no event is water to be discharged from the Illegal connection upon or across public or private sidewalks, or discharged onto adjacent property not owned by the same owner. Prior to the commencement of any work on the disconnection of an illegal connection, all necessary and required building permits, street opening permits, sidewalk opening permits, tap-in permits, and other approvals and permits that may be necessary to accomplish the disconnection shall be acquired, and all fees paid, and a plan of corrective action shall be presented to the City for the City’s approval. Disconnection shall mean that the illegal connection is disconnected and removed from the Sanitary Sewer System, and that the illegal connection access to the Sanitary Sewer System at that location is permanently capped and sealed. The disconnection of the illegal connection shall be certified by an Inspector/Contractor.

Section 78-127. Sales of Real Property / Evidence of Compliance Certificate.

- 1. All Evidence of Compliance Certificates must conform to the requirements defined under Section 78-93 (d) Inspection.**
- 2. If an Inspector/Contractor determines that there are no illegal connections he shall so note and issue an Evidence of Compliance Certificate promptly to the owner and to the City.**
- 3. If the Inspector/Contractor determines that there is/are illegal connection(s) of the real property, he shall so note and present a plan of corrective action, for the city's approval, to the city and the property owner. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the City will approve. After the corrective action has been taken, the real property will be re-inspected, and if the Inspector/Contractor determines that there are no illegal connections on the real property, he shall so certify and issue an Evidence of Compliance Certificate promptly to the property owner and to the City.**
- 4. If the re-inspection reveals the existence of any illegal connections, the Inspector/Contractor shall so certify as such and the City shall deem the property to be non-compliant and subject to any and all other provisions of this ordinance.**
- 5. An Evidence of Compliance Certificate shall expire two (2) years following the date of its issuance subject to all provisions listed under #6 below.**
- 6. Any additions made to the property at any time after issuance of an Evidence of Compliance Certificate, that in any way alters or enlarges sanitary sewer services to or on said property, are subject to a current Evidence of Compliance Certificate being issued by an Inspector/Contractor deeming that such property is in full compliance with the provisions of this Ordinance. The Director of Public Works and his or her assigned agent(s) may at his or her own discretion issuance an Evidence of Compliance Certificate under this section 6, and in those instances, where he or she has the ability to certify that all the provisions under this ordinance are met.**

Section 78-128. Rejection of Application/Administrative Review.

The City may reject an application for an Evidence of Compliance Certificate whenever the requirements of this Ordinance have not been met. In the event of such a rejection, the Applicant may, within fifteen (15) days of the rejection, file an appeal with the City Clerk and plead their case to the Corunna City Council at a regularly scheduled meeting.

The City Manager may waive any requirements under this Ordinance that may create an undue hardship as long as the full intent of this Ordinance, as described under Section 78-94 (a), is obtained.

Section 78-129. City Council Resolutions.

The City of Corunna may adopt any or all of the following in order to accomplish the purpose of this Ordinance.

- a. Establish and promulgate any and all forms, fees, procedures, regulations and/or guidelines necessary to implement and effectuate the objectives and purposes of this Ordinance.**

Section 78-130. Access and Inspection.

- a. Duly authorized representatives of the City of Corunna may enter, at reasonable times, upon any property within the City of Corunna to perform inspections to determine compliance with this Ordinance. The City shall notify the property owner within 24 hours of entry.**
- b. Property owners shall allow persons working on behalf of the City of Corunna ready access to all parts of the premises for the purpose of determining compliance with this Ordinance.**
- c. If the property has security measures in force, which require proper identification and clearance before entry into its premises, the Owner and/or possessor shall, upon reasonable notice by the City, make the necessary arrangements to allow access by a representative of the City.**
- d. The Owner and/or possessor of the property shall allow the City reasonable access to all parts of a property necessary to conduct the inspection of the property. The City shall have the right to set up, on any property, such devices as are necessary in the opinion of the City to conduct an inspection of the property.**
- e. Any temporary or permanent obstruction to safe and easy access to the property to be inspected shall be promptly removed by the Owner and/or possessor of the property and shall not be replaced until such inspection is completed and/or any violations of this Ordinance are corrected and such corrections are certified by an Inspector/Contractor.**

- f. The City may provide notice of the inspections of a property or properties orally or by written notice or publication. Notice is required if the Owner and/or possessor specifically refuses access.**
- g. If the City has been refused access to any part of a property on which an illegal connection is suspected or an inspection is required as part of a program, the property will be deemed to be non-compliant and subject to any and all fines, fees, or penalties as allowed and/or set under this ordinance.**

Section 78-131. Fees/Penalties.

All properties covered by this Ordinance are subject to any and all fees or penalties adopted by the City Council relating to non-compliance issues. The service fee shall be set forth pursuant to Chapter 38 of the Corunna City Code.

Section 78-132. Notice of Non-Compliance/Violation.

When the City finds that a non-compliance or violation of this Ordinance has occurred, the City may order compliance by issuing a written Notice of Non-Compliance/Violation. Said Notice may be served personally on the Owner and/or possessor of the property, by leaving the same at the principal building on the property, by posting the same conspicuously on the property, or by first class or certified mail sent to the address of the property or at such other address for the Owner and/or possessor as maintained in the City of Corunna records.

The Notice of Non-Compliance/Violation shall contain the following:

- a. The name and address of the alleged non-complier/violator.**
- b. The address when available or a description of the building, structure or land upon which the non-compliance/violation is occurring, or has occurred.**
- c. A statement specifying the nature of the non-compliance/violation.**
- d. A description of the remedial measures necessary to restore compliance with this Ordinance and a time schedule for the completion of such remedial action.**
- e. A statement of the penalties or fees that shall or may be assessed against the property and/or persons to whom the Notice of Non-Compliance/Violation is directed.**
- f. The Person whose discharges, practices, or operations are in noncompliance/violation of this Chapter shall cease and desist from such non-compliance/violation.**

Section 78-133. Appeal of Notice of Non-Compliance/Violation.

Any person receiving a Notice of Non-Compliance/Violation may appeal the determination of such violation by filing a written notice of appeal with the City Clerk for presentation to the City Council within 15 days of receiving a Notice of Non/Compliance/Violation.

Section 78-134. Danger to Public Health or Safety/Nuisance/Injunctive and Other Relief.

In the event a non-compliance/violation of this Ordinance constitutes an immediate danger to public health or public safety, or any condition caused or permitted to exist in violation of the provisions of this Ordinance continues, the City of Corunna is authorized to take any and all measures necessary to abate the non-compliance /violations, which includes disconnecting and removing the illegal connection(s). The costs of the any and all measures taken by the City shall constitute a lien against the property and shall be due and payable within 60 days upon receiving such billing from the City. All unpaid balances due after such 60 days shall be subject to interest, penalties, fees and administration costs as set by the City Council and placed as an unpaid lien against the property and assessed on the next available tax bill levied in the City.

Sec. 78-135 – 78-140 Reserved.

SECTION II. SEVERABILITY CLAUSE.

This ORDINANCE and the several sections, sub-sections, clauses and parts thereof are hereby declared to be severable. If any part or clause thereof is declared or adjudged invalid by present or future legislation or court decree, the balance of the ORDINANCE shall not be affected thereby.

SECTION III. CONFLICTING ORDINANCES REPEALED.

All ORDINANCES previously adopted and inconsistent with the provisions of this ORDINANCE are repealed, and in the case of inconsistencies, to the extent of such inconsistencies, are hereby repealed.

SECTION IV. COPIES AVAILABLE.

This ORDINANCE may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION V. EFFECTIVE DATE.

This ORDINANCE shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE: May 17, 2010
DATE OF PUBLICATION: May 25, 2010
EFFECTIVE DATE: May 25, 2010

