

**ORDINANCE NO. 164**

**AN ORDINANCE TO AMEND SECTION 1042 OF THE ORDINANCES OF THE VILLAGE OF BRECKENRIDGE TO PROHIBIT THE DISCHARGE OF STORM OR GROUND WATER TO THE SANITARY SEWERS, TO PROHIBIT SUCH CONNECTIONS, AND TO PROVIDE ASSISTANCE AND INCENTIVES TO ELIMINATE IMPROPER CONNECTIONS.**

**WHEREAS**, the Council of the Village of Breckenridge finds that the Village’s wastewater treatment system is burdened by multiple improper connections which permit the discharge of storm water and groundwater to the sanitary sewers, and

**WHEREAS**, such connections and discharges jeopardize the public health, safety and welfare by causing or contributing to sewage backups, and

**WHEREAS**, in order to preserve the public health, safety and welfare, the Council of the Village of Breckenridge finds that it is necessary to prohibit such connections and discharges within the city, to provide for a method of inspection in order to detect such connections and discharges constitute a public nuisance, and to provide for civil penalties arising from such connections and discharges, and

**WHEREAS**, the Council recognize that improvements to the Village infrastructure will be required in order to accept additional storm water discharge, and residents of the village will incur substantial expense in correcting improper connections,

**NOW THEREFORE**, the Village of Breckenridge ordains:

**Section 1.** Section of the Ordinances of the Village of Breckenridge is hereby to read as follows:

**Section \_\_\_\_.** Storm Water.

- 1.1 **Storm water connections prohibited.** No person shall cause, or permit to exist, upon real property owned or occupied by such person any connections to the Village of Breckenridge wastewater collection and treatment system which allows or permits storm water, ground water, surface water, or roof water to flow into such collection and treatment system.
- 1.2 **Permitted storm water discharges.** Storm water, ground water, surface water, and roof water, together with all other unpolluted drainage, shall be discharged into storm drains connected to the city’s storm sewer system or to a natural outlet approved by the Manager or his designee.
- 1.3 **New construction.** After the effective date of this ordinance, every new structure erected within the Village of Breckenridge shall comply with the requirements of this ordinance regarding storm water discharge.
  - (1) **Purpose:** The purpose of this ordinance is to significantly reduce improper storm water inflows in the most cost effective manner, in order to eliminate or reduce instances of surcharged sanitary sewers due to improper inflows, which are inimical to operation of the wastewater treatment facility.

**(2) Definitions:** For purposes of this Section of the Village of Breckenridge Ordinances:

1. **Improper Storm Water Inflow** shall mean any direct connections (inflow) to the public sewer or sump pumps (including overflows), exterior floor drains, downspouts, foundation drains, and other direct sources of inflow (including but not limited to visible evidence of ground/surface water entering drains through doors or crack in floors and walls) as noted during field inspections by the Utility Department.

**(3) Surcharge; Disconnection; Enforcement.**

1. The Village Manager, or his designee, shall provide written notice by certified mail to the sewer user, property owner or other responsible person of any violation of Section 1.1 of this Code. This notice shall describe the nature of the violation, the corrective measures necessary to achieve compliance, the time period for compliance, the amount of the monthly surcharge until corrected and appeal process.
2. For structures or property with actual or potential improper storm water inflows, the sewer user, property owner or other responsible person shall be given 90 days to correct the illegal or improper activities or facilities contributing to the discharge, infiltration of inflow into the wastewater treatment facility. If corrective measures to eliminate the illegal or improper discharge, infiltration or inflow into the wastewater treatment facility are not completed and approved by the Village of Breckenridge, or his designee, within 90 days from the date of the notice provided in Sub Section, then the Village Manager, or his designee, shall impose upon the sewer user, property owner or other responsible person a monthly surcharge in the amount of \$100.00 per month until the required corrective measures are completed and approved. If the property owner or responsible party fails to pay the monthly surcharge when due and payable, then the Village may terminate the water and sewer connections and service to the property and disconnect the customer from the system. Any unpaid charges shall be collected as provided under Section 3.2.

**Section 2: Separability.** If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 3: Ordinances Repealed:** All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

**Section 4: Effective Date:** This ordinance shall take effect and be in force 15 days from and after its enactment as provided by the Village Department.

Passed and approved by the Village Commission of the Village of Breckenridge, in Special session, held June 10, 2013.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 164 of the Village of Breckenridge, Michigan, was thereafter passed at a special meeting on June 10, 2013.

Dated at Breckenridge, Michigan June 10, 2013.

**Charles D. Seeley**

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Charles D. Seeley, President

**Bridget M. Suhr**

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Bridget M. Suhr, Clerk

I, the undersigned, Village Clerk, DO HEREBY CERTIFY that the foregoing and above Ordinance No. 164 of the Village of Breckenridge, Michigan, is a true and compared copy of the original ordinance, now on file in my office, of the whole thereof, that the same was published within 10 days from its adoption in the Saginaw Valley News, a newspaper printed, published and circulated in the Village of Breckenridge, Michigan on June 16, 2013, and that the Affidavit of Publication thereof is now on file in my office and is a part of the original records pertaining to the adoption of the aforesaid ordinance.

I FURTHER CERTIFY that in accordance with the provisions of Section 4 the foregoing ordinance shall take effect 15 days after its enactment as aforesaid.

Dated at Village of Breckenridge, Michigan, June 10, 2013.

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Bridget M. Suhr, Clerk