

2017 ORDINANCE NO 1

VILLAGE OF LYONS
COUNTY OF IONIA, STATE OF MICHIGAN
NOTICE OF ORDINANCE AMENDMENT

An ordinance to amend Section 8-19, Chapter 8, Article II, of the Village of Lyons code of ordinances.

THE VILLAGE OF LYONS ORDAINS:

(15) Discharge of sump water.

a. Definitions. For the purpose of this section:

- 1) Highway or street means the entire right-of-way of every public way open to travel.
- 2) Sump means a pit or reservoir serving as a drain or receptacle for ground water.
- 3) Sump pump means any pump or other device, including any and all piping, tubing, channels and any other drainage devices, employed for the removal of deposits of ground or drainage water away from the building.
- 4) A storm drain is a means for conveying rainwater and/or similar discharges, but not sewage or industrial waste, to a point of disposal.

b. Discharge of sump water upon a highway or street or into storm drains.

1) It shall be unlawful for any person to drain, empty or otherwise discharge ground water from a sump by use of a sump pump upon any highway or street within twenty (20) feet of the curb of any highway or street constructed with curb and gutter or within twenty (20) feet of the travel portion of any highway or street unless connected into a storm drain in such highway or street under permit from the authority having jurisdiction of such highway or street, or unless the flow is into an open roadside ditch along a highway or street permitted by the authority having jurisdiction of such highway or street.

c. Discharge systems: New construction:

- 1) All sump pumps installed in dwellings or other storm drain, a natural watercourse or a ditch, swale or other approved facility which has been constructed for the purpose of receiving such discharge, must receive the approval of the village.
- 2) The connection between storm drains and sump pumps may be approved by the village.

d. Existing structure discharge systems:

1) Except as approved by the village, and subject to applicable law as between private property owners, the sump pump discharge from existing dwellings and buildings shall not flow or drain onto or in any way affect the property of adjacent property owners or interfere with the quiet enjoyment of land by adjacent property owners.

2) In the event that the discharge from a dwelling or building violates subsection (c), (1) or (d), (1) above the village may serve written notice upon the owner of the property setting forth such violation. The notice shall also set forth a demand that the violation be cured within 30days. A violation may be cured by causing the sump pump to discharge into a dedicated public storm drain, a natural watercourse, or a ditch or swale or other approved facility which has been constructed for the purpose of receiving such discharge.

3) Prior to its installation, the proposed new location and manner of sump pump discharge must be approved by the village.

4) Whenever a storm drain is available or becomes available for connection, “any property owner with a sump pump or other water diversion, must use or connect to the available storm drain.” A storm drain shall be deemed “available” if there is a storm drain located in any street, easement or public way which abuts the property. In other cases, a storm drain shall be deemed “available” if a catch basin is located adjacent to the property or if a new storm drain, lateral or other drainage system is installed on any street, easement or public way which abuts the property. In the event an alternate means of diverting sump pump or other storm water is available and the alternate means does not adversely affect other property owners, the village or his designate may grant permission to the alternate means of diverting sump pump or other storm water. In no instance shall any sump pump or other storm water diversion system be connected to a sanitary sewer.

e. Severability

1) This ordinance and its various sections, provisions, or parts thereof are hereby declared to be severable, and should any portion hereof is adjudged invalid or unenforceable by a court of competent jurisdiction shall not affect or impair the remainder of the ordinance.

f. Conflicts

1) Any ordinance and provisions of ordinances in conflict herewith are hereby repealed.

g. Penalty for Violation

1) Any person, corporation, or other entity, including an officer, director or employer who violates any provision of this ordinance, or who shall fail to do what is required by the terms of the ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 19651, being MCL Sec 600.8701 et. Seq., as amended.

PUBLICATION AND EFFECTIVE DATE: This ordinance must be published and recorded as provided in the village Charter and takes effect on the date of publication, but not less than twenty (20) days after its adoption by the Village Council.