

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
Discharge of Water from Private Property
Ordinance #155 - Village of Empire Code of Ordinances

The Village of Empire ordains:

Part I: Village of Empire hereby enacts Ordinance #155 - Village of Empire Code of Ordinances as follows:

Section 1. Purpose. This Ordinance is intended to protect public safety, public health, public streets/infrastructure and water quality within the Village of Empire by controlling the flow of accumulated waters from private property into the streets, alleys and other public ways of the Village. The provisions of this Ordinance are not intended to and do not replace any county, state or federal regulation of waters.

Section 2. Definitions. As used in this Ordinance, the following words shall have the meanings:

Accumulated Waters: Waters that are collected within a structure's basement, crawl space, foundation or other similar structures on real private property within the Village of Empire.

Discharge: To actively pump waters from one place to another.

Section 3. Regulations for Discharge of Accumulated Water Established. This regulation shall apply and govern all properties within the Village of Empire. The discharge of accumulated waters from residences, businesses and other structures on private property and onto public ways, public streets and alleys, or other public easements and thoroughfares is prohibited by this Ordinance. The infiltration and/or discharge of accumulated waters onto a private property is not prohibited, provided that such waters do not enter onto public ways, public streets and alleys, or other public easements and thoroughfares.

Section 4. Municipal Civil Infraction. A violation of any provision of this Ordinance by any person or firm shall be a municipal civil infraction, and the person or firm responsible for said infraction shall be subject to the penalties and sanctions provided for in Ordinance 107 as amended by Ordinance 149.

Section 5. Administration and Enforcement. The Village President, Zoning Administrator, and Director of the Department of Public Works or other official as designated by the Village of Empire, shall administer and enforce the provisions of this Ordinance. In the case that such discharge of accumulated waters poses a danger to the public health, safety or the environment, such as from the accumulation of ice and/or stagnant waters on public ways, public streets and alleys, or other public easements and thoroughfares, these designated Village officers may order that the discharge of accumulated waters be ceased and desisted. Neither the Village nor any of its designees shall

be held liable for any damage from the enforcement of this Ordinance. Violations of this Ordinance shall be subject to the Village of Empire, Civil Infractions & Violations Bureau Ordinance, #107.

Part II. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Part III. Conflict and Interpretation

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. A person aggrieved by a decision of Village enforcement designees may appeal said decision to the Village Council within thirty (30) days of the decision. The concurring vote of a majority of the Village Council shall be necessary to reverse any interpretation of this Ordinance by the Village enforcement designee.

Part IV. Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Part V. Effective Date


The provisions of this Ordinance are ordered to take effect twenty (20) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.

Part VI. Adoption


This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the 25th day of February 2020.

Part VII. Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within fifteen (15) days after adoption.



Wayne Aylsworth, President, Village of Empire




Derith Smith, Clerk, Village of Empire

Adoption date: 02/25/2020
Publication date: 03/10/2020
Effective date: 03/30/2020

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on February 25, 2020. The following members of the Village of Empire Council were present at the meeting: *Aylsworth, Bacon, Rademacher, Skrocki, and Davis.*

The Ordinance was adopted by the Village of Empire Council with 3 members of the Council voting in favor (*Skrocki, Rademacher and Aylsworth*) and 2 voting against (*Bacon and Davis*). A copy of the Ordinance or a summary thereof was published in the Traverse City Record Eagle on March 10, 2020.



Derith Smith, Clerk, Village of Empire