

ORDINANCE NO. 03-001

**AN ORDINANCE TO ASSIGN RESPONSIBILITY FOR STORM WATER MANAGEMENT SYSTEM MAINTENANCE AND REPAIR TO PROPERTY OWNERS**

**THE CITY OF BELLEVILLE, MICHIGAN ORDAINS THAT THE CODE OF ORDINANCES, BELLEVILLE CITY CODE, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED 90-349, WHICH SECTION READS AS FOLLOWS:**

**STORM WATER MANAGEMENT ORDINANCE ASSIGNING RESPONSIBILITY TO LOCAL PROPERTY OWNERS.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLEVILLE that a new section be added to the Belleville City Code to read as follows:

**Section 90-349. Property Owner Responsibility for Storm Water Sewer Connections.**

1. Responsibility for long and short term repair and maintenance of a storm water management system will be assumed by the property owner of the property on or in which the part of the storm water management system is located.
2. Consent to such responsibility shall be a condition for the issuance of any storm water sewer permit.
3. Property owners shall be responsible for all costs of maintenance or repair of the part of storm water systems located on or within the owners' property.
4. Every owner shall be responsible to the City for reimbursement of any and all charges and expenses incurred by the City in maintaining or replacing or repairing any storm water management system located on or within the property any such owner/person. All sums owed to the City for storm water maintenance or repair service or charges in connection therewith will be billed by the City to the owner. Amounts billed are due on the date of billing. If not paid within 30 days from the due date, the amount shall be lien on the land and suit may be instituted by the City for collection of said sums in any court of competent jurisdiction.

**Section 2. Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or administrative body, or any rights acquired, or liability incurred, or any cause or causes of action acquired

or existing, under any Act or Ordinance hereby repealed by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.


**Section 3. Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**Section 4. Conflicting Ordinances.** All prior existing ordinances adopted by the City of Belleville inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

**ADOPTED, APPROVED AND PASSED** by the City Council of the City of Belleville, this 6<sup>th</sup> day of January, 2003.



Thomas A. Fielder, Mayor



Diana J. Kollmeyer, CMC  
City Clerk

Agenda Date: December 16, 2002 & January 6, 2003.

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the Belleville City Council at a regular Council meeting held in the City Council Room on the 6<sup>th</sup> day of January, 2003.



Diana J. Kollmeyer, CMC  
City Clerk

VERIFICATION OF PUBLICATION

I further certify that the foregoing was published in Belleville Independent, a newspaper of general circulation in the City of Belleville, on the 13th day of February 2003.

A handwritten signature in cursive script, appearing to read "Diana J. Kollmeyer", is written over a horizontal line.

Diana J. Kollmeyer, CMC  
City Clerk

RESOLUTION NO. 03-002

January 6, 2003,

RESOLVED BY THE COUNCIL OF THE CITY OF BELLEVILLE:

WHEREAS, the City has a Storm Water Management System within the City; and

WHEREAS, certain parts of the system are located on land of parties other than the City; and


WHEREAS, the City has adopted the Wayne County Storm Water Management Ordinance No. 2000-652; and


WHEREAS, rules adopted by the County of Wayne provide that the City of Belleville must assume the responsibility for the long-term maintenance of the system and may designate another entity, including property owner to undertake this responsibility.

NOW THEREFORE, BE IT RESOLVED that the certain ordinance entitled "Storm Water Management Ordinance Assigning Responsibility to Local Property Owners" is referring responsibility for maintenance and repair of the storm water management system located on the property of persons other than the City of Belleville being the same hereby is adopted on first reading.

OFFERED BY: EMERSON SUPPORTED BY: CONLEY

YES: 4 NO: 0 ABSENT: 1 VOTE: 4-0

  
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Diana J. Kollmeyer  
City Clerk

  
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Thomas A. Fielder  
Mayor

Agenda Date: December 16, 2002 & January 6, 2003