

LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN

Ordinance No. 38B

Adopted: September 11, 2018

Effective: November 10, 2018

An ordinance to amend the Lake Township Sewer Ordinance so as to make violation thereof a municipal civil infraction, to specify fines and penalties for the violation thereof; to appoint the Houghton Area Sewer Authority Superintendent and staff as Ordinance Enforcement Officers for the Township for the purposes of enforcing the Township sewer ordinance; to provide for an effective date; and to repeal all conflicting ordinance provisions.

THE TOWNSHIP OF LAKE, ROSCOMMON COUNTY, MICHIGAN ORDAINS:

SECTION 1

**AMENDMENT TO SECTION 12 OF THE LAKE TOWNSHIP SEWER
ORDINANCE**

Section 12 of the Lake Township Sewer Ordinance (Ordinance No. 38, as amended) is hereby amended to read, in its entirety, as follows:

“Section 12. Violation and Penalty

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- b. Any person who makes a false statement, representation, or certification on any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance shall be deemed to be in violation of this Ordinance.
- c. Any person that falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance or order issues hereunder, or Pretreatment Standard or Requirements shall be deemed to be in violation of this Ordinance.

- d. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each month that a violation exists shall constitute a separate offense.
- e. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- f. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

- 1st Offense within 3-year period*	\$ 150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lake Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each month that a violation exists shall constitute a separate offense.

e. The Superintendent of the Houghton Lake Sewer Authority and any employee thereof is hereby appointed as Ordinance Enforcement Officer for the Township for the purposes of enforcing this Ordinance.

g. The Houghton Lake Sewer Authority is hereby designated as the municipal civil infractions violations bureau for purposes of collecting fines under this Ordinance. Civil fines are initially payable pursuant to citation/notice of violation at the violations bureau. Unpaid civil fines shall be issued a court citation and shall proceed in accordance with the municipal civil infractions procedure for court citations.

SECTION 2

SAVINGS CLAUSE

Any legal proceedings presenting pending on an ordinance or ordinance provision which is hereby repealed may proceed to judgment or decision and shall not be affected by this ordinance

SECTION 3

EFFECTIVE DATE AND REPEAL

This Ordinance shall be effective 30 days after publication of a summary hereof, after adoption. Conflicting Ordinances and Ordinance provisions are hereby repealed.

Lake Township
Tonya Clare, Clerk

ORIGINAL SIGNATURE ON FILE

Date: 9-11-2018