ORDINANCE NO. 8

An Ordinance to Promote and Preserve the Health, Safety and Welfare of the People of the Village of Newberry, Michigan, by Requiring the Removal of all Outdoor Closets, Outdoor Toilets, Privy-Vaults, Cesspools, and other Similar Receptacles and to Prohibit the Erection, Installation or Location of Outdoor Closets, Outdoor Toilets, Privy-Vaults, Cesspools and other Similar Receptacles and to Require the Installation of Sanitary Water Closets where Connections with Public Sewers and Water Mains are now or shall become Accessible and to Provide Penalties for the Violation thereof, and to Repeal All Other Ordinances of the Village of Newberry in conflict with the Provisions of this Ordinance.

THE VILLAGE OF NEWBERRY, MICHIGAN, ORDAINS:

Section 8:1 Privy; Unlawful:

The owners or occupants of every building in the Village of Newberry, Michigan, used as dwelling, tenement or lodging house, and of every store, shop, factory or other building where persons are employed, and which is situated on lands or premises abutting, adjacent to or directly across within 150 feet or less, from any public, street, court, alley, passageway or right-of-way upon which there is a public sewer and water main, shall, within 90 days after the effective date of this Ordinance, place therein a good and sufficient water closet, connected with the public sewer and public water system and it shall thereafter be unlawful to make use of any privy, outdoor toilet or outdoor closet now or hereafter situated on said lands or premises.

Section 8:1 Owner's Duty:

It shall be the duty of the owners or occupants of every building in the Village of Newberry, Michigan, used as a dwelling, tenement or lodging house, and of every store, shop factory, or other building where persons are employed within 90 days from the date when there

shall be a public sewer and water main in any public street, court, alley or passageway abutting, adjacent to or directly across, within 150 feet or less, from the property on which shall be located such building where persons are employed, to place therein a good and sufficient water closet, connected with the public sewer and public water system, and it shall thereafter be unlawful to make use of any privy, outdoor toilet situated on said lands or premises. The Provisions of this paragraph shall apply only to buildings situated on lands or premises which are not, on the effective date of this Ordinance, abutting adjacent to or directly across, within 150 feet or less, from any public street, court, alley, passageway or right-of-way upon which there is then a public sewer and watermain.

Section 8:3 Public Sewer:

After there is or shall be a public sewer and watermain on the public street, court, alley or passageway abutting, adjacent to or directly across, within 150 feet or less, from property or streets it shall be unlawful to erect, install or locate on any such premises any outdoor closet, outdoor toilet, privy-vault, cesspool or similar receptacle. The word "water closet" so herein used shall be construed to mean a sanitary arrangement connected with the public sewer and having public water supply which can be used systematically and regularly for carrying to the sewer whatever is deposited therein.

Section 8:4 Repealed:

All Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8:5 Penalty:

Any person who shall violate any of the provisions of this Ordinance shall, on conviction thereof, be punished by a fine of not less than $5.00 nor more than $500.00, or by imprisonment in the Luce

County Jail for a term not exceeding 90 days, or by both such fine and imprisonment in the discretion of the Court.

Section 8:6 Publication and Effecitve Date:

The clerk shall cause a copy of this Ordinance to be published in the Newberry News within 15 days and further shall make copies of this Ordinance available for public inspection at the Village Offices located in the NEWBERRY WATER & LIGHT BUILDING.

This Ordinance shall be effective twenty (20) days after adoption. (August 3, 1987).

Approved and re-enacted by Village Council on July 13, 1987.

David Taylor

David Taylor, President

Janice Galor

Janice Galor, Village Clerk

Amendment to Ordinance 8

An Ordinance to promote and preserve the health, safety and welfare of the people of the Village of Newberry, Michigan, by requiring connection *to Village water and sewer service within the boundaries of the Village of Newberry, protecting the supply of water by prohibiting the drilling of water supply wells, use of septic tanks, or drainfields and providing for the establishment of policies concerning the municipal water supply and sewer service.*

Ordinance 8 is amended as follows:

Section 8:1 Privy; Unlawful: *unchanged.*

Section 8:2 Owner's Duty: *unchanged.*

Section 8:3 Public Sewer: *unchanged.*

Section 8:4 Repealed: *renumbered to* ***Section 8:****9.*

Section 8:5 Penalty: *renumbered to* ***Section 8:*** *and amended*

Section 8:6 Publication: *renumbered to* ***Section 8:*** *and amended*

Section 8:7 Connections Required:

It shall be the duty of owners, occupants, or possessors of any real estate, building, or premise, permanent or temporary , or any person with authority to do so to apply for connection to the Village of Newberry water supply system and the Village of Newberry sanitary sewer system within Forty-five days (45) of the effective date of this ordinance;

To establish connection to Village water supply system and sanitary sewer system within Ninety (90) days of the adoption of this ordinance;

Further once a connection is established no person shall permit, cause or encourage a disconnection from Village of Newberry sewer and/or water supply system; and,

Those persons required to connect to Village of Newberry sewer and/or water supply system shall maintain that connection

Section 8:8 Exclusive supply, wells, septic tanks and drain fields prohibited:

No person required to apply for connection or required to maintain connection shall utilized any water supply or sewage waste treatment system other than that supplied or permited by the Village of Newberry;

Further persons required to apply for connection or required to maintain a connection are prohibited from creation, establishment or use of water wells, septic tanks, or drain fields as defined by laws of the State of Michigan, except as provided in Section 8.6 .

Section 8:9 Alternative Services and Rules

The Newberry Water & Light Board may permit an alternative method of water supply and/or sanitary sewage treatment if the Board determines that water and or sanitary sewer treatment can not be reasonably provided by the Village of Newberry. The Board shall exclusively determine the reasonableness of providing water and or sanitary sewer treatment. The permit shall not continue after it is reasonable to provide those services.

The Newberry Water & Light Board, within forty-five (45) days, shall adopt policies and procedures for permitting alternative water and/or sanitary sewer treatment and enforcing the

provisions of this Ordinance.

Section 8.10 Penalty:

Renumbered from Section 8.5 and the following is added:

The penalty provision shall not apply to Sections 8.6, 8.7, 8.10.

Section 8.11 Repealed:

Unchanged but renumbered from 8.4.

Section 8:12 Publication and Effective Date:

Renumbered from Section 8.6 and the following is added:

The clerk shall cause a copy of this Ordinance to be published in the Newberry News within 15 days and further shall make copies of this Ordinance available for public inspection at the Village Offices located in the NEWBERRY WATER AND LIGHT BUILDING.

This Ordinance shall be effective upon **publication.**

Approved and adopted by the Village Council on May 17, 2004.

Robert Cameron, President
Village of Newberry

Janice Galor, Clerk
Village of Newberry

End of Publication

Adoption History

Adopted: May 17, 2004
Effective: May 20, 2004

CERTIFICATE

I hereby certify as Clerk of the Village of Newberry, that a copy of the above Ordinance was published by me in the ***Newberry News*** on the 20th day of May , 2004 in the Village of Newberry and have attached a copy of said Ordinance together with a Printer's Affidavit to this Certificate.

Dated: May 19 ,2004

Janice Galor, Village Clerk

Seal:

Distribution:
One (1) copy (signed) should be retained by the Clerk.
One (1) copy (signed) should be returned to the Village Attorney.