



**Regular Meeting Agenda
June 14, 2021 – 7:00 P.M.**

1. Call to order, Roll Call of Council, Pledge of Allegiance, and Invocation

2. Approval of Consent Agenda:

Miller

- Approval of minutes of the May 10, 2021 Regular Council Meeting
- Approval of minutes of the May 17, 2021 DDA Meeting
- Approval of minutes of the June 7, 2021 Special DDA Meeting
- Approval of minutes of the May 17, 2021 RARA Meeting
- Accept of DPW Director's May Report
- Accept of Sheriff's Report for May 2021
- Accept the Building & Zoning Report for May 2021
- Approve the Bills to be paid

3. Approval of Regular Agenda

Miller

4. Manager's Report

Alden

5. Public Acknowledgement on Agenda Items (Two minutes per speaker)

6. Unfinished Business

- Marijuana Ordinance Committee Update
- Hall Office Lease – Fleis&Vandenbrink
- USDA Project Update
- Multi-Use Snow Removal Machine

Cook
Alden
Cherven
Alden

7. New Business

- Amendment to Village Sewer Ordinance
- Nuisance Ordinance
- L – 4029 Tax Form Approval
- Sidewalk Resolution – Brooks Street

Cherven
Alden
Alden
Alden

8. Discussion Items

- Hiawatha Project

Medina

9. Public Acknowledgement (Two minutes per speaker)

10. Council Comments

11. Items for the Next Agenda

12. Adjournment

VILLAGE OF ROSCOMMON

Minutes of the May 10, 2021

Regular Council Meeting

President Michael Miller called the Regular Meeting to order at 7:00 PM. Members of the Council present: Michael Miller, Dan Fishel, Tony Medina, Angela Cook, Jared Osmond, Heather Roemer and virtually Maureen Ruddy from the Village of Roscommon. Others present - Manager Ron Alden, and Clerk Frances Dawson, Lance Cherven, Tammy Menghini. Others present at the meeting were Sue Jock, Mike Allen, Debbie Emery, Jennie Stead, Mr. & Mrs Ballard. The Pledge of Allegiance was recited by all and an Invocation was given by Trustee Dan Fishel.

CONSENT AGENDA

Moved by Roemer, seconded by Fishel, with the addition of adding Temporary President Pro Tem Dan Fishel to the April 30, 2021 Special Council Meeting to approve the Consent Agenda with the bills to be paid in the amount of \$16,947.86 and Medina asking about the placement of Port-a-Pots in the Village by the DDA. Ayes: Ruddy, Fishel, Cook, Roemer, Medina, Miller, Osmond. Nays: None. The motion carried.

REGULAR AGENDA

Moved by Medina, seconded by Osmond, to approve the Regular Agenda with the addition of USDA RD-440-11 Form and Change Order 1 – Peerless Midwest, Inc. in the amount of \$48,224.83, Change Order 2 – Peerless Midwest, Inc. in the amount of \$80,724.83 and Change Order 3 – Corby Energy Services, Inc. in the amount of \$88,977.13 for USDA Water/Sewer Project and MERS updates. Ayes: Fishel, Ruddy Roemer, Cook, Medina, Miller, Osmond. Nays: None. The motion carried.

MANAGER'S REPORT

Alden gave updates on:

Otwells are moving into 801 Lake St – a bit more asbestos was removed and given the all clear – small gas leak was repaired – moving forward to open by June 1, 2021.

USDA Grant closed last week with work to begin by May 17, 2021.

No update on M-18 walkway. Plaque is still not done.

The Beautification (flower) Committee will be meeting on 5/13/21 – Thursday - @ 6:00 pm to finalize plans for getting flowers in by Memorial Weekend.

DDA is still moving forward with their business Open House planned for June 5, 2021 to showcase empty buildings.

Village Spring clean-up went really well. Had a lot of participation. The AuSable River Center is looking great thanks to Sue Jock and the RARA Committee and the Farmer's Market will be starting soon.

Angela Cook is moving towards getting the Marijuana Research Committee together to see how the community will want to handle stores in the Village and word the new ordinance. She will be having a meeting before the next Council Meeting and will give an update then. Ron Alden went to Chesaning to get their ordinance and will get together with Committee to fill them in on what he learned.

Should have papers signed by the end of the month with 801 Lake St. and the DDA.

PUBLIC ACKNOWLEDEMENT ON REGULAR AGENDA ITEMS

UNFINISHED BUSINESS

Motion by Roemer, seconded by Cook to approve the USDA For RD 440-11, for the amount of \$991,490.68 for the estimated amount of funds needed for 30 day period payments. Ayes: Osmond, Fishel, Miller, Roemer, Medina, Cook, Ruddy. Nays: none. Motion carried.

Motion by Osmond, seconded by Medina to approve the change order No. 1 for Peerless Midwest, Inc. for the amount of \$48,224.83. Ayes: Miller, Roemer, Medina, Ruddy, Fishel, Osmond, Cook. Nays: none. Motion carried.

Motion by Cook, seconded by Osmond to approve the change order No. 2 for Peerless Midwest, Inc., for the amount of \$80,724.83. Ayes: Ruddy, Cook, Fishel, Roemer, Osmond, Medina, Miller. Nays: none. Motion carried.

Motion by Roemer, seconded by Miller to approve the change order No. 3 for Corby energy Services, Inc., for the amount of \$88,977.13. Ayes: Cook, Miller, Ruddy, Fishel, Roemer, Medina, Osmond. Nays: none. Motion carried.

Motion by Roemer, seconded by Cook, to approve the MERS Amended Defined Contribution Plan Adoption Agreement. Ayes: Ruddy, Medina, Fishel, Cook, Osmond, Miller, Roemer. Nays: none. Motion carried.

NEW BUSINESS

Sue Jock introduced Ben Talarico as the new Director for the CRAF Center. She gave a short update on RARA business with regards to assets of the area and the grant work that is possible for the area and Ben's role with writing grants. Mr. Talarico gave a brief talk of what his plans and goals are for the community.

Motion for approval to amend ACH & Electronic Transactions Policy to include all Village Office Staff by Cook, seconded by Roemer. Ayes: Fishel, Ruddy, Roemer, Cook, Medina, Miller, Osmond. Nays: none. Motion carried.

Motion for approval to amend the Village of Roscommon's Credit Card Policy to include all Village Office Staff by Osmond, seconded by Miller. Ayes: Osmond, Fishel,, Miller, Roemer, Medina, Cook, Ruddy. Nays: none. Motion carried.

Lisa Ballard and her husband Matt are buying the boardwalk and open a restaurant serving breakfast and lunch and calling it the Beechwood Café. They would like to do some outdoor seating.

Motion to approve the request for a Tavern License for beer and wine with Sunday sales permit for 406 N. 5th Street by Roemer, seconded by Fishel. Ayes: Miller, Roemer, Medina, Ruddy, Fishel Osmond, Cook. Nays: none. Motion carried.

DISCUSSION ITEMS

President Miller thanked Lance Cherven for driving to Grand Rapids to deliver papers for the USDA closing.

COOR students will be helping us out again for the summer with a new supervisor.

Lance Cherven explained the process that USDA will start with.

PUBLIC ACKNOWLEDGEMENT

Mike Allen made a complaint about dumping the snow on Fourth St. by the creek. Lance Cherven explained that all melting snow goes into storm drains and creeks and rivers and it is approved by EGLE.

COUNCIL COMMENTS

Medina said that Gypsy Moth spraying will be happening by the end of May.

Fishel thanked the office staff for the Village. Says it is much more pleasant around the office.

Roemer excited about all the new things happening in town.

Lance Cherven will be putting out a Newsletter soon about all of the stuff happening with USDA. He asks that everyone be patient because town will be a mess in one section or another for the summer. Water side should go well and fairly fast. The sewer side may take longer but most of the work is out at the plant.

Sewer lab testing is going well. Lab should pay for itself by July. They have a few accounts already such as Grayling and 4 sections of Houghton Lake. Looking into other accounts.

Cook commented that Spring Clean up went well, welcomed Ben Talarico and new business owners, the Ballards.

The Division St. project will get started after June 1, 2021.

ITEMS FOR THE NEXT AGENDA

Firearm Ordinance, dog park, marijuana ordinance, USDA updates.

ADJOURNMENT

Moved by Roemer, seconded by Cook to adjourn the meeting at 8:16 PM. All in favor. Hearing no objections, the motion carried.

A handwritten signature in dark ink, appearing to read 'Michael Miller', written over a horizontal line.

Michael Miller
Village President

A handwritten signature in dark ink, appearing to read 'Frances Dawson', written over a horizontal line.

Frances Dawson
Village Clerk

ROSCOMMON DOWNTOWN DEVELOPMENT AUTHORITY
BOARD MINUTES
May 17, 2021

Members Present: CEO Ron Alden, President Thomas O'Brien (2), Vice President Jim Anderson (3), Treasurer Andrea Weiss (2), Secretary Sue Jock (3), Tom Barber (1), Phil Weiler (1), Peggy Kish (Resident), Diane Love Suvada (4), Mike Walker (1), Jessie Sharpe (4), Crystal Brabant (4)

by Video Conference: Sue McFatridge (4)

Excused:

Absent:

DDA Meeting Called to order at 8:00

Others Present: Marcie Dankert, Doug Hodges, Anthony Gnesotto

No comments on the agenda.

Motion by Tom Barber to accept April minutes as presented, second by Ron Alden, motion approved.

Roscommon Downtown Development Authority – April 2021

(Thru 5/14/2021) **Treasurer's report**

Cash on Hand	\$374,090.84
Deposits Sawmill & Farm Market vendors	\$9,065.03
Bank Service Charge	- \$10.00
	\$383,145.87

Bills Approved Prior Month

<i>Ck #1177 Marcie Dankert</i>	\$ 173.64
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<i>Ck #1178 Lil Willies-</i>	\$700.00
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<i>Ck #1179 HLRCC</i>	\$1,600.00
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Bills to be Approved

<i>Ck #1180 Village of Roscommon (801 Lake St water bill)</i>	\$66.83
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<i>Ck # 1181 Village of Roscommon(Consumer Energy-801 Lake St</i>	\$88.49
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<i>Ck #1182 Village of Roscommon(DTE -801 Lake St)</i>	\$188.86
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<i>Ck #1183 Marcie Dankert</i>	\$23.40
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<i>Ck #1184 Office Central</i>	\$25.34
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<i>Ck #1185 Mid-State Asbestos Removal</i>	\$2,900.00
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Ending Balance	\$377,379.31
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Motion by Phil Weiler to accept treasurer's report as presented, second by Tom Barber, treasurer's report approved.

CORRESPONDENCE & PUBLIC COMMENT – None

Anthony Gnesotto discussed plans for the July 4th Fireworks for 2021. Requesting financial support for \$2000. Ron Alden motion up to \$2000 to support, second by Diane Love Suvada. Funds to be utilized for marketing, roll call, motion carried.

COMMITTEE REPORTS

MDA Summer Workshop zoom Friday, June 4th

MDA – American Rescue Plan Act pandemic funds request, for helping small businesses

Managers' Report –

- 801 Lake Street: Slight gas leak managed, minor water leak, resolved. Attorney currently working on agreement this week, has been out of town.
- USDA Project: Construction started today. Closed financing at 1.375%. Current meters round to the nearest 1000, new meters to the gallon. This project will not eliminate let runs, waterlines will not be set deeper just replaced.
- No plaque-still waiting
- Village beautification meeting, hanging baskets will go up this week. Prepping beds and flowers to go in next week.
- Roxy: all info submitted to the state. June 5th vacant open house planned: Hardware working on making two separate buildings. Greens has is on hold. Rosco's waiting on liquor license transfer. Boardwalk is now sold. Franz is not interested currently. Spruce has back leans can't participate at this time. Jenkins Eyecare had planned occupation. Jansen's and Impact for sale no input from realtor. Pioneer Drugstore has a planned lease once renovations are done. AuSable Artisan Village is for sale but renovations are currently underway.
- F&V (engineers) renting out Village offices lease term 1 year.
- Chase bank closing in August

Farmers Market: New Sign – New vendors, 20-25 vendors for opening day. Has collected \$500, \$10/Saturday or \$100/season. Currently can fit 36 vendors without wrapping around. New sign is printed and ready to pick up, \$225. Installed before this weekend. Motion to pay \$265 to Express Copy (sign and Veterans sign) by Tom OBrien, second by Andrea Weiss, motion carried.

Façade Grants: NONE

Old Business:

- 801 Lake Street update, Mid-State Asbestos Removal \$2,900- as above
- Veteran - Thank You for Serving banners-as above
- ROXY- Ready Redevelopment Community - Rising Tide certificate-as above
- Snow removal tractor: Company reaching out, however sold their demo model. Current new machine, two attachments \$140,000, 120 for machine, 20 for the attachments. They took \$20,000 off due to selling the demo. The following is three financing options:
 - 3 year lease to own \$24,000 (DDA half), \$48,000 (full), total \$144,000
 - 5 year lease to own \$15,000 (DDA half), \$30,000 (full), total \$150,000
 - 7 year lease to own \$11,000 (DDA half), \$22,000 (full), total \$154,000DDA currently pays \$12,600/year for snow removal. Final cost for 5 year lease is \$150,000. Motion by Tom Barber that the Village Council entertain a 5 year plan, second by Jim Anderson, motion approved.
- M-18 Walkway Lighting-email from Chris Janisse, Consumers will allow (2) solar lights 40 inches below lowest Cable.
- Walkway dedication and plaque-as above
- Zoom meeting amendment review. Village amended their ordinance that includes the DDA. No action required.

New Business:

- Fireman's Memorial Festival advertising and promotion: \$2295 for TV Commercials, they promote not only the festival but the community. Radio Ads \$8000. Due to Covid-19 lost the ability to have 3 of their major funding events. Still their liability insurance is \$10,000. Fire training grounds currently do not charge for use. Motion by Jim Anderson, support by Tom Barber to support \$2295, discussion, Sue Jock stated that lack of funding we should increase the amount due to special circumstances. Roll Call motion approved for advertisement request of \$2,295.
- June DDA Meeting will be at the AuSable River Center, Monday, June 21st, 8:00am.
- AuSable River Center dead tree and train property ownership. Train Club requests to have the tree removed. Will get bids. Motion to enter into agreement up to \$3,000 to remove tree by Tom Barber, second by Andrea Weiss, roll call, motion carried.

Future Projects

High School student as DDA Member

Liaison Reports:**Village:**

Township- Opted in the hazardous waste collection

Chamber: Hot Dog lunch June 2nd in front of Chamber Office 11-1.
June 5th Burnt Rubber Car show event
Art Festival July 14th.

Meeting Adjourned @ 9:38, motion by Mike Walker second by Diane Love Savada, motion ,
Next Regular DDA Meeting Monday, June 21st ARC
2021 Annual Report Due June 30, 2021

ROSCOMMON DOWNTOWN DEVELOPMENT AUTHORITY
SPECIAL BOARD MINUTES
June 7, 2021

Members Present: CEO Ron Alden, President Thomas O'Brien, Treasurer Andrea Weiss, Phil Weiler, Mike Walker, Crystal Brabant, Jessie Sharpe, Diane Love Savada

Video Conference: Secretary Sue Jock, Sue McFatridge

Excused: Vice President Jim Anderson, Tom Barber

Absent: Peggy Kish

Others Present: Kate and Bob Otwell, Showing later-Beth Barber

DDA Meeting Called to Order at 8:07

Purpose-Renegotiation of 801 Lake Street Lease Agreement

Otwell's are requesting to renegotiate the agreement due to excessive repairs and cost of construction materials, from the agreed price of \$80,000 to \$40,000.00. Original estimate of renovation was approximately \$50,000, an estimate was received by John Dankert of \$95,000, bringing their investment more than \$40,000 over budget.

Motion by Tom O'Brien for a lease purchase agreement for 801 Lake Street with The Butcher's Wife with the following to be included: One-dollar (\$1.00) lease agreement up to 12-month period with a purchase price of \$40,000. Work to be completed within one year and \$80,000 minimum improvements to the building is the stipulation. This agreement shall include the following: If the building is sold within five years of this signed agreement the owner will split (50/50) of all profits from the sale of the building over \$120,000 and up to \$200,000 (with a maximum of \$40,000 with the DDA). At this time 801 Lake Street would also be eligible for a façade grant. The Butcher's Wife responsible (triple net lease) for all utilities and taxes. This negotiation is to be written by an attorney and signed by the DDA President.

Seconded by Ron Alden, Some discussion and questions regarding our liability and future investment in the property. **Motion Approved**

Meeting Adjourned @ 9:38, motion by Mike Walker second by Diane Love Savada, **Motion Approved**,

Next Regular DDA Meeting Monday, June 21st ARC

Submitted by A Weiss



Roscommon Area Recreation Authority (RARA)

March 17, 2021

The meeting was called to order by Chair S. Jock at 7:02 p.m. at the AuSable River Center.

Board Members Present: S. Jock, C. Allen, D. Smitz, C. Hutek (video), S. Hinds, K. Williams (video) Excused: E. Hart

Guests: Pat Riss (CRAF Center), Tracy Bosworth and Tom Dale (Gahagan Nature Preserve) Sean Brabant and Jason Sharpe (Roscommon Canoe Classic), Video: Pam Tucker (Christmas in the Village)

Public Comment: None

Minutes of the January 27, 2021 meeting was approved as presented, motion D. Smitz, 2nd S. Hinds, motion carried.

Treasurer Report – Attached. Motion to approve as presented C. Allen, 2nd K. Williams, motion carried.

Payment of Bills: Profit & Loss Statement through 03/15/2021 attached.

Correspondence: None

New Business:

- Village Website – Village of Roscommon has a new website, under the Economic Development tab there is a link for RARA, with links to RARA entities, includes contact information and RARA minutes.
- AuSable River Center – Virtual Tour – Watched by many, with only a few comments, none of which gives us direction.
- 2021 Farmers Market – The Market will open May 22 and run through October 2021. They have asked for better access to the storage shed, sound system, and benches; trading with flowers, general discussion, they have a meeting in April 13th.
- Grounds Maintenance CRAF Center, Metro Park, AuSable River Center- We have received a fair bid from Twin Oaks Landscaping, cutting grass at three locations as needed, will go with it for 2021 but need a long term plan for grounds and building maintainance.
- Community Clean-up May 1, 2021 – Working together area groups that include the Roscommon DDA, Rotary Club, Boy Scouts and community volunteers will be doing Community Clean-up from 9:00 a.m. til noon. Meet at the AuSable River Center, and be assigned designated areas in the Village. Roscommon Rotary will grill hot dogs at the River Center following clean-up.
- Metro Park Design-Court Layout Bid Costs – We have received a bid of \$16, 000 for fencing that would enclose pickle / basketball courts. Area prices for building/construction material are skyrocketing, and it looks like the trend will continue. The Splash Pad might be a better option to begin with.

Old Business:

- Metro Park Playground Equipment – Piece installation is scheduled for June 5th, Roscommon Rotary will assist.
- Scavenger Hunt – The Tisdale Trail Scavenger Hunt went well, very cold, positive feedback from participants. We will repeat this event next year.
- Roscommon Canoe Classic Events – Sean Brabant and Jason Sharpe – Scheduled for May 8-9. A one-day (May 8) liquor license has been secured, BC Pizza has offered to donate pizza to the racers. S. Hinds can procure the beer; fund raiser for ARC. P. Riss is looking into a system for music and announcements. There will activities for the children that will include corn hole, pelts from Gahagan, etc. Awards will be presented between 1:30 and 2:00 p.m., Contestants will be registering online. Live music and food truck for others to eat.
- Tisdale Trail Grooming – Season is complete. There will be a roundtable discussion to discuss season and plan for 2021-22.
- RARA Director Position – The position will be reposted.

Member Comments/Reports

Christmas in the Village (CIV) – .P. Tucker – January Pastie sale went well.

AuSable River Center – S. Jock – Renovations in the 'Fire Place Room' will include gas logs, painting the walls and trim, and re-flooring the entire building. Renovations will be covered by a \$10,000 grant.

CRAF Center – P. Riss – All aspects running smoothly.

Gahagan Nature Preserve- T. Bosworth – Land swap with the Village of Roscommon is complete. This will give more space for parking, including buses. There are currently no 2021 summer camps or field trips scheduled due to Covid-19 and area schools trying to catch up. Needs include procuring a mulcher; mulch the trails, trail and parking lot lights.

FUTURE FUNDING AND IDEAS

- RARA Webpage – May 2021
- Next meeting May 19, 2021

Adjourn – Motion to adjourn C. Allen, 2nd D. Smitz. Meeting adjourned at 8:07 PM. The next meeting is May 19, 2021.

Respectfully submitted,
Connie Allen, Secretary



Roscommon Metropolitan Recreational Authority

Meeting Agenda

May 19, 2021

Call to Order
Roll Call
Public Comment
Approval of minutes
Treasurer's Report
Payment of bills-
Correspondence

New Business:

- New Director
- Sealcoating CRAF Center-See attached bids
- RARA Website
- Brainstorming session, future activities, events, upgrades

Old Business:

- Metro Park playground-equipment piece installation date June 5th
- Engineered wood fiber addition-See attached pictures of recessed bedding \$3,065
- Community Clean-up
- Canoe Race Event follow up-
 - \$386-\$261=\$125 profit on beer, music \$200 event -~~\$75~~
 - Beverage Ticket sign
 - Better advertising/Radio
 - Charge rent for food truck
 - Racer packet with beer tickets
 - Soda/water different color tickets
 - Awards later
 - Stuff for kids to do, train rides.

Member Comments/Reports

CIV: Received their own 501c3 so they are no longer under the umbrella of RARA

AuSable River Center:

- Fireplace Room Completed with the \$10,000 grant from the RCCF, paint, new flooring, gas log fireplace and furniture and speaker system
- Museum area cleaned, all "artifacts" relocated to the walls, area opened up for events.

Gahagan Nature Preserve

- Land swap with the Village-Complete

Adjourn:

Next Meeting July 21







Village Patrol		May-21		
Mileage	=	328		
Hours	=	70		
Stops	=	11		
VW	=	11		
Citations	=	3		
Criminal	=	7		
Non Criminal	=	9		
Report Writing		13		
Accidents	=	0		
Arrests	=	4		
Contacts	=	120		
Prop. Check	=	79		
Liquor Inspections=		9		

**Activity Report to Village of Roscommon
Village Patrol Paid Hours**

Details

CANOE RACES

ASSIST W/ FUNERAL PROCESSION

ARRESTS

DOMESTIC

NO OPERATORS LICENSE

BOND VIOLATION

Complaints

D- DOMESTIC/ N MAIN

D- DOMESTIC/ S SECOND

D- DHHS REFERAL CENTRALIZED INTAKE

P- CIVIL STAND BY/ PINECREST

P- NO LICENSE-BOND VIOLATION/ FORWARDS

D- SUSPICIOUS PERSON/ DOLLAR GENERAL

D- FOUND PROPERTY/BC PIZZA

P- MOTORIST ASSIST/ S FIFTH & SOUTH

D- PARKING COMPLAINT/ BROOKS ST

D- KIDS YELLING OBSCENITIES/ N 4TH

D- ASSIST HIGGINS FIRE/ N. CENTRAL

May-21 **Additional Village Activity**

Hours 9

Criminal Complaints

Non Criminal Complaints 6

Traffic Stops 7

Verbal Warnings 8

Citations

OWI Arrests

Other Arrests

Accidents

Assist EMS

Other Assignments

Type of Complaints Handled

D- SUICIDAL
D- ATL/ BROOKS ST
D- FOUND PROPERTY/ BC PIZZA
D- 911 HANGUP/ 4TH ST

Arrests



~ Working For a Brighter Future ~

Village of Roscommon

702 Lake Street • P.O. Box 236 • Roscommon, Michigan 48653
Telephone (989) 275-5743 • Fax (989) 275-5998

June 9, 2021

BUILDING AND ZONING REPORT FOR THE MONTH OF May 2021

5/5/2021: Review application for a garage. [needs more information]
5/12/2021: Review sign permit for the service center. [Needs more information]
5/19/2021: Issue zoning permit for 130 Pinecrest.
5/26/2021: Footing inspection at 209 N. 4th St.

Respectfully Submitted,



James R. Letts
Building Official and Zoning Administrator

"This institution is an equal opportunity provider."

TDD (800) 649-3777

ROSCOMMON, MICHIGAN • INC. 1885

VILLAGE OF ROSCOMMON HALL OFFICE LEASE

I. PARTIES

This Agreement is made between the *Village of Roscommon* (**VILLAGE**), a Michigan Municipal Corporation, whose address is 702 Lake Street, Roscommon, MI 48653, and *Fleis & VandenBrink Engineering, Inc.* (F&V), a Michigan Corporation, whose address is 2960 Lucerne Dr. SE, Suite 100 Grand Rapids, MI 49546.

II. PREMISES; RECITALS

The **VILLAGE** owns fee title to real estate located in the Village of Roscommon, commonly referred to as the Village Hall, which has excess office space.

F&V desires to use the excess office space in the Village Hall, which includes approximately 950 square feet (three rooms on the south side of the building). Therefore, the **VILLAGE**, pursuant to The General Law Village Act, MCL 67.4, and F&V agree to the following:

III. BASIC AGREEMENT; TERM; RENT

For a term of one (1) year, commencing on June 1, 2021 and ending May 31, 2022 (unless renewed as provided in Article X), the **VILLAGE** will lease the office space to F&V for the sole purpose of operating a business office.

The **VILLAGE** will charge Five Hundred and No/100 (\$500.00) Dollars per month for rent of the office space, which includes any real property taxes or assessments.

F&V shall not sublet portions of the office space to other organizations without written consent from the **VILLAGE**.

IV. BUILDING ALTERATIONS

F&V shall not make any structural modification or renovations to the office without written consent from the **VILLAGE**.

V. INSURANCE; DAMAGE OR TOTAL DESTRUCTION OF THE PREMISES

At its expense, **F&V** shall procure and keep, in effect, while this Lease is in force, public liability insurance, naming the **VILLAGE** as an additional insured, in minimum amounts of ONE MILLION (\$1,000,000) DOLLARS for injuries per occurrence. **F&V** shall deliver copies of the insurance policy to the **VILLAGE** before commencement of this lease. This requirement may be met by including **F&V** within the ambit of the **VILLAGE'S** existing insurance, upon such terms and conditions as **F&V** and the **VILLAGE** shall agree in writing. In any event, **F&V** shall be responsible for obtaining its own insurance on any of its personal property located in the office space.

VI. ADDITIONAL VILLAGE COVENANTS

The **VILLAGE** agrees:

- A. That it owns the leased office space and premises where the office space is located in fee simple, and that upon performance by **F&V** of all conditions of this Lease, **F&V** may quietly and peaceably enjoy the office space for the term (and any Renewals, thereof) of this Lease.
- B. To furnish utilities including heating, cooling, electrical power, wireless internet and other standard municipal services such maintenance of water and sewer lines and police and fire protection at no cost to **F&V**.
- C. **F&V** staff shall have access to restroom facilities within common areas of the building. Building access shall be via keypad entry.
- D. **F&V** shall be permitted to erect signage, with approval by the Village.

VII. ADDITIONAL F&V COVENANTS

F&V agrees:

- A. To accept the office space "as is."
- B. Not to make structural alterations or additions to the office space without the prior written consent of the **VILLAGE**.
- C. To keep the office space free of liens arising out of services performed or materials furnished for the office space, and to keep the office space unencumbered by mortgage debt.
- D. To promptly notify the **VILLAGE** of any damage to the office space, and of injuries to Persons or damage to property allegedly resulting from defects in the office space.
- E. To maintain the office space in good condition, at its own expense.

VIII. RIGHT OF ENTRY; SUMMARY REPOSSESSION

- A. If **F&V** breaches any of its obligations under this Agreement, the **VILLAGE** must give **F&V** written notice of the breach, and **F&V** shall have thirty (30) days after notice to cure the breach. If **F&V** does not cure the breach, the **VILLAGE** or its agents have the right to enter and repossess the office space and remove **F&V**, either by summary proceedings to recover possession or other lawful means, without prejudice to any additional remedy at law or equity which the **VILLAGE** may possess.
- B. In the event that the office space is abandoned by **F&V**, the **VILLAGE** has the right, after the notice specified in Paragraph A, to enter without resort to legal proceedings, either by force, or otherwise, without being liable for any damages, thereof, and to relet the office space upon such terms and conditions as the **VILLAGE** can obtain, without prejudice to any additional remedy at law or equity which the **VILLAGE** may possess.

IX. WAIVER OF SUBROGATION

The **VILLAGE** and **F&V** hereby waive all rights of recovery, claims, or causes of action against each other, their agents, officers, and employees for any loss or damage that may occur to the office space by reason of fire, the elements, or any other cause which could be insured against under the terms of standard fire and extended coverage insurance policies, regardless of the cause of origin, including negligence of the parties, their agents, officers, and employees, to the extent such waiver is permitted by the applicable insurance policies.

X. RENEWAL; AMENDMENTS; TERMINATION

- A. This Lease may be renewed for additional terms by a resolution of the **VILLAGE** and **F&V**, properly executed and attached to this Lease. In the event that either the **VILLAGE** or **F&V** does not intend to renew this agreement, the non-renewing party shall give written notice to the other party three (3) months prior to the expiration of the Agreement.
- B. Any amendments to this Agreement must be evidenced by a separate written instrument, properly executed and authorized by both the **VILLAGE** and **F&V**.
- C. Either party may terminate this Agreement for breach. The terminating party must first give the other writer notice of the breach, and the breaching party shall have thirty (30) days after notice to cure the breach.
- D. Upon termination of this Lease by non-renewal, mutual consent, or for a breach of a condition of this Agreement, the office space, including any structural additions and leasehold improvements, remains the property of the **VILLAGE**. Personal property, including all artwork, non-attached display cabinetry, furniture, and movable equipment located in the office space, remains the property of **F&V**.

XI. MISCELLANEOUS COVENANTS

- A. All notices given under this Agreement shall be mailed to the parties at the addresses specified in Article I of this Agreement, unless a written directive from the party changing its address is mailed to the other party at least ten (10) days prior to the date on which notice is required. The postmark determines the date on which notice has been given, notwithstanding that the addressee may actually receive the notice at a later date or not at all.
- B. This Agreement shall be construed in all respects according to the laws of the State of Michigan.
- C. This Agreement shall be binding on the parties, their successors, and their assigns.

XII. AUTHORITY TO EXECUTE

By affixing their signatures below, the named officials affirm that they have authority to execute this Agreement on behalf of their respective entities.

VILLAGE OF ROSCOMMON

Dated: 6-2-21

Ron Alden
By: Ron Alden
Its: Manager

Dated: 6-2-21

Frances Dawson
By: Frances Dawson
Its: Clerk

Fleis & VandenBrink Engineering, Inc.

Dated: 6-7-21

John DeVol
By: John DeVol
Its: President



Brown Equipment Company
2501 S Kentucky Ave
Evansville IN 47714
www.brownequipment.net
Ph:800-747-2312

Vehicle Quote

#Q02295
02/15/2021

Bill To

Roscommon, MI DPW
1050 S Main St
Roscommon MI 48653
United States

Ship To

Roscommon, MI DPW
1050 S Main St
Roscommon MI 48653
United States

TOTAL

\$119,995.00

Sales Rep: Derek DeRoche

Expires	PO #	Notes	Shipping Method
03/17/2021			

Item	Description	Qty	Price	Extended Price
CX75	MULTIHOG CX75 MULTIPURPOSE TRACTOR STANDARD YELLOW OR ORANGE COLOR 75 HP (56 KW), TIER 4 FINAL ENGINE CAB HEATING, AIR-SUSPENDED DRIVER SEAT AND TOP- MOUNTED ROAD LIGHTS PERMANENT 4 WHEEL DRIVE WITH POSITIVE DRIVE LOCK FRONT 3 POINT LINKAGE INCLUDING MECHANICAL ADJUSTMENT OF LINKAGE ROTATION AND FLOAT JOYSTICK WITH FRONT LINKAGE LIFT FUNCTION INCLUDING FLOAT AND A SECOND DOUBLE ACTING (DA) HYDRAULIC FUNCTION TO FRONT 13 PIN SOCKET ON FRONT 3500 KG (7,716 LBS) GROSS VEHICLE WEIGHT MANUALLY ADJUSTABLE HEATED MIRRORS & ROTATING BEACON MECHANICAL TOP LINK, TIPPING REAR, CAB TILT & IN-CAB PTO CONTROL STANDARD YELLOW RAL1023 PANELS FOR CX 75 FRONT MECHANICAL PTO 1000 RPM, 1 3/8", 6 TOOTH SPLINE SHAFT (CLOCKWISE ROTATION) 0-100 L/M (0-26.4 GPM) FRONT T CONNECTION FRONT TO REAR 2 X DA VALVES TO FRONT (3 X DA TOTAL) AND 1 X DA VALVE TO REAR (1 X DA REAR TOTAL) 4 X DA LEVER VALVE BLOCK WITH FLOAT REQUIRED FOR HYDRAULIC TIPPING REAR, HYDRAULIC ROTATION OF FRONT LINKAGE AND TRIPLEX MOWER WINGS VARIABLE PITCH REVERSING FAN HYDRAULIC TIPPING REAR HYDRAULIC CAB TILT COMBINED CAB HEATING & AIR CONDITIONING STANDARD SEAT HEATED WINDSCREEN CAB DOORS WITH OPENING WINDOWS - SET OF 2 (ONE PER DOOR) 2 LED WORKLIGHTS (FRONT) 2 LED WORKLIGHTS (REAR) REVERSING CAMERA LED AMBER FLASHER LIGHTS (SET OF 4) STANDARD DRIVE PERMANENT 4 WHEEL DRIVE LOCK (STANDARD) PERMANENT 4 WHEEL DRIVE WITH DRIVE LOCK & SD TRACTION CONTROL BFG ALL TERRAIN LT245/75/16 TYRES WITH NARROW MUDGUARDS MACHINE WIDTH 1240 MM (48.8") HIGH TORQUE OPTION	1	\$119,995.00	\$119,995.00

Subtotal	\$119,995.00
Shipping Cost	\$0.00
Tax (0%)	\$0.00
Total	\$119,995.00



Q02295

QUOTE DOES NOT INCLUDE APPLICABLE TAXES. CUSTOMER IS
RESPONSIBLE FOR ALL APPLICABLE FEDERAL, STATE, AND LOCAL
TAXES.



David Penoff
Construction, Transportation & Environmental Service Division
Office 317-328-1166 Cell 317-500-0190 Fax 888-200-6313

TO: Derek Deroche
Brown Equipment

FROM: David Penoff
Vice President/Regional Sales Manager

DATE: 2/15/21

RE: Lease Quotation **Village of Roscommon (MI)**

EQUIPMENT: Demo Multihog with Attachments

EQUIPMENT COST: \$115,000.00

COMMENCEMENT: To be determined

STRUCTURE: Municipal Lease Purchase

END OF TERM PURCHASE: \$1.00

DOCUMENTATION FEE: None

PAYMENT MODE: Annual

First Payment Due Thirty (30) Days After Lease Commencement

Term	Three (3) Years	Five (5) Years	Seven (7) Years
Payments	3 @ \$39,696.00	5 @ \$24,751.00	7 @ \$18,388.00
Interest Rate	3.26%	3.59%	3.75%

First Payment Due One (1) Year After Lease Commencement

Term	Three (3) Years	Five (5) Years	Seven (7) Years
Payments	3 @ \$40,860.00	5 @ \$25,536.00	7 @ \$18,984.00
Interest Rate	3.26%	3.59%	3.75%

The above payment terms will be valid for leases funded within thirty (30) days of the date of this quotation and are subject to credit approval.

Thank you for the opportunity to provide this information. If you have any questions, please feel free to contact David Penoff 317-500-0190 (dpenoff@tcfbank.com) or Wendy Wilson (wwilson@tcfef.com) at 317-328-1163.





VILLAGE OF ROSCOMMON

ORDINANCE NO. 2-A

SEWER USE ORDINANCE

An Ordinance Regulating The Use Of Public And Private Sewers And Drains; Private Sewage Disposal; The Installation And Construction Of Building Sewers And Discharge Of Waters And Wastes Into The Public Sewer System; Fixing And Collection Of Charges, And Providing Penalties For The Violation Thereof In The Village Of Roscommon, County Of Roscommon, And State Of Michigan.

THE VILLAGE OF ROSCOMMON ORDAINS:

SECTION 1. OBJECTIVE.

This ordinance sets forth uniform requirements for the direct and indirect contributors into the wastewater collection and treatment system for the Village of Roscommon and enables the Village to comply with all applicable state and federal laws.

The objectives of this ordinance are:

To prevent the introduction of pollutants into the municipality waste water system that will interfere with the operation of the system or contaminate the resulting bio-solids.
To prevent the introduction of pollutants into the municipal waste water system that will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system.

To improve the opportunity to recycle and reclaim waste waters and bio-solids from the system, and

To provide for equitable distribution of the cost of the municipal waste water system

SECTION 2-1. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

"ACT" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

"Approval Authority" shall mean the director in a NPDES state that has an approved state pretreatment program.

"Bio-solids" shall mean precipitated solid matter produced by the sewage treatment process.

"B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million by weight.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of the building and conveys it to the building sewer beginning approximately five feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the property line.

"Categorized Standards" shall mean the national categorical pretreatment standards or pretreatment standard.

"Combination Sewer" or "Combined Sewer" shall mean a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

"Compatible Pollutant" shall mean a substance amenable to treatment in the Village wastewater treatment facility, such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES permit of the Village wastewater treatment facility.

"Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

"Council" shall mean the duly elected governing body of said Village.

"Delivery Flow Rate" shall mean information establishing rate of flow during daily or weekly intervals, or portions of the day in unit-time designation such as gallons per day and fluctuations.

"Department" shall mean the Village Department of Public Works.

"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the water of the State of Michigan.

"Director of Public Works" shall mean the person designated by the Village to supervise the operations of the publicly owned treatment facility.

"Discharge" shall mean spilling, leaking, seeping, pumping, pouring, emitting, emptying, dumping or depositing.

"Domestic Waste" shall mean waste normally emanating from residential living units and resulting from the day-to-day activities usually considered to be carried on in a domicile. Waste emanating from other users which is to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

"Garbage" shall mean the wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.

"Grab Sample" shall mean a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Ground Water" shall mean the water beneath the surface of the ground, whether or not flowing through known or definite channels.

"Holding Tank Waste" shall mean any waste from holding tanks such as, but not limited to, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Impoundment" shall mean any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

"Incompatible Pollutants" shall mean all pollutants that are not defined as compatible.

"Incompatible Waste" shall mean any items introduced into the sanitary sewer system that may damage or obstruct the public sewer disposal system. Such items include, but are not limited to, rags, sanitary napkins, tampon applicators, nylons; items made of cloth, non-soluble items and other similar items.

"Indirect Discharge" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act into the publicly owned treatment facility (including holding tank waste discharged into the system).

Significant "Industrial User" shall mean any non-governmental, non-residential user of the publicly owned treatment facility which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of normal domestic sewage (excluding domestic wastes or discharges from sanitary conveniences); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; is designated as such by the Village on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement (in accordance with 40 CRF 403.8(f)(6); all Industrial Users subject to Categorical Pretreatment Standards under 40 CRF 403.6 and 40 CFR Chapter I, Subchapter N. Also included in this definition is any non-governmental user of the publicly owned treatment facility which discharges waste water to the treatment facility which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other waste, to contaminate the bio-solids of any municipal system or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment facility.

"Industrial Waste" shall mean any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids.

"Letter of Intent" shall mean notification from a significant industrial user to the Village of that user's intent to utilize a publicly owned treatment facility for a given length of time.

"Licensed (Certified) Operator" Shall mean a person designated by the Village who has met the requirements to operate and maintain the wastewater facilities. In addition, has been issued a license or certification by the Department of Environmental Quality.

"Major Contributing Industry" shall mean an industry that:

- a. Has a flow of fifty thousand (50,000) gallons or more per average workday;
- b. Has a flow greater than five (5) percent of the flow carried by the municipal system receiving the waste.

"Multi Service Unit" shall mean more than one service per unit.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of water, either surface or ground water.

"Normal Domestic Waste" shall be defined as wastes normally emanating from residential living units and resulting from the day-to-day activities usually considered to be carried on in a domicile. Wastes emanating from other users which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

"Person" shall mean an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, agent or any other legal entity. It does not include a governmental entity unless specifically provided.
PFAS" means per- or polyfluorinated alkyl substances.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pollution" shall mean the placing of any noxious or deleterious substance in any water of the Village in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or aquatic life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

"Pretreatment" shall mean treatment of wastewater from sources before introduction into the Village sewerage system.

"Private Sewage Disposal System" shall mean a system for disposal of domestic sewage by means of a septic tank or mechanical treatment, designed for use apart from a public sewer.

"Producer" shall mean any person who owns, operates, possesses or controls an

establishment or plant, whether or not a permittee.

"Properly Shredded Garbage" shall mean the wastes from the cooking preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

"Public Sewer" shall mean a sewer that in the public right-of-way, which is owned and maintained by the Village.

"Regional Administrator" shall mean one of the EPA regional administrators.

"Reserve Capacity" shall mean that unused portion of a treatment facility's capacity that has formally been set aside for use by a specific industry and is so identified by a formal binding agreement. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included when determining the reserve capacity to insure a proportional distribution of the cost recovery obligation.

"Salt" shall mean sodium chloride and calcium chloride or a combination thereof in solid or liquid form.

"Sanitary Sewer" shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions.

"Sewage" (waste water) shall mean any liquid or water carried waste from residential, business buildings, institutions, industrial, commercial and governmental establishments, or other places together with such groundwater infiltration, surface waters, and storm waters as may be present.

"Sewage Treatment System" shall mean pipe lines or conduits, pumping stations, force mains and all other construction, devices, appurtenances and facilities used for collecting or conducting waterborne sewage, industrial waste or other waste to a point of disposal or treatment and including the Waste Water Treatment Facility, including all extensions and improvements thereto which may hereafter be acquired or constructed.

"Sewer" shall mean any pipe, tile, tubes, or conduit for carrying sewage and devices or structures required for pumping, lifting or collecting such sewage.

"Shall" is mandatory. "May" is permissive.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in rate of flow exceeds for a period of duration longer than fifteen (15) minutes more than five (5) times the average rate for a twenty-four (24) hour period during normal operation.

"Storm Sewer" or "Storm Drain" shall mean a sewer intended to carry only storm waters, surface runoff, street wash water, subsoil drainage and non-contact cooling water but

which excludes sewage and polluted industrial wastes.

"Stream" shall mean any river, creek or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flow be uniform or interrupted.

"Surcharge" shall mean the additional charge, which a user discharging wastewater of strength in excess of the limits for normal domestic sewage set by the Village for transmission and treatment with the sewerage system will be required to pay to meet the cost of treating excessive strength wastewater.

"Suspended Solids" shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Tenant" shall mean a person who leases property from an owner.

"User" shall mean any person, tenant, establishment or owner who discharges any domestic sewage or industrial waste into the sanitary sewer system of the Village or any system connected thereto.

"User Charge" shall mean a charge levied on users of the sewage treatment system for the cost of operation, maintenance and replacement of such system.

"Unit" shall mean an independent living area that includes at least one restroom and kitchen facility.

"Village" shall mean the Village of Roscommon, Michigan.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2-1. ABBREVIATIONS.

Abbreviations shall have the designated meanings:

ASTM	-	American Standard Testing Measures
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
DPW	-	Department of Public Works
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	-	Total Suspended Solids
USC	-	United States Code

WWTF - Waste Water Treatment Facility

SECTION 3. USE OF SEWERS REQUIRED

UNLAWFUL DISCHARGE - It shall be unlawful for any person to place, discharge or permit to be discharged in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other waste or waste water, unless licensed to do so by the Village or as controlled by other ordinances.

DISCHARGE TO NATURAL OUTLET - It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the standard of the Department of Environmental Quality of the State of Michigan.

PRIVATE WASTE WATER DISPOSAL - Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

MANDATORY CONNECTION - The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village is hereby required, at the owner's expense to install suitable plumbing facilities therein in accordance with the plumbing code currently enforced by the Village and to connect such facilities directly to the public sewer in accordance with the provisions of this ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within 100 feet of the nearest property line of said premises and there is sufficient capacity in the collection and treatment systems or unless relief is granted by the Village Council for unique circumstances when an alternative type of acceptable disposal system under this ordinance is provided.

UNLAWFUL USE - No person shall discharge any waste or other substance directly into a manhole, catch basin or sewer inlet. All discharges to the sewer shall be through a sewer connection. Nothing in this provision shall restrict the use of the catch basin for storm water in the storm sewer system.

PRIVATE SEWAGE AND HOLDING TANK WASTE DISCHARGE - No private wastewater shall be discharged into the Village sewage system. This shall include discharge from septic waste haulers.

STORM WATER DISCHARGE PERMIT - A permit shall be required for all storm water connections to any natural outlet in the Village or any area under the jurisdiction of the Village. The Village does not run a combined sewer.

Section 4. Private Sewage Disposal.

NON-AVAILABILITY OF SEWER - Where a public sanitary sewer or combined sewer is not available under the provisions this ordinance, the building sewer shall be connected with a private sewage disposal system in accordance with the provisions of this ordinance and other ordinances of the Village and the plumbing code currently administered by the Roscommon County Public Health Department where applicable.

PRIVATE DISPOSAL PERMIT - No person shall construct or install a private sewage disposal system without first applying to the Roscommon County Public Health Department for and obtaining a permit to construct and operate the system. A copy of this permit must be filed with the Village Clerk.

INSPECTIONS REQUIRED - A permit to operate a private sewage disposal system shall not become effective until such installation is approved by the Roscommon County Public Health Department which shall be allowed to inspect such system at any state of construction. The applicant for the permit shall notify Village Hall and the Roscommon County Public Health Department when the system is completed and ready for final inspection but before any underground portions are covered.

HEALTH REQUIREMENTS - The type, capacity, location and layout of any private sewage disposal system shall comply with the rules and regulations of the department of health of the state and the Roscommon County Public Health Department. No private sewage disposal system shall be located within 250 feet of any municipal water supply source.

ILLEGAL DISCHARGE - No private sewage disposal system shall be permitted to discharge into any impoundment, stream, surface water or other watercourse.

REQUIRED ABANDONMENT OF PRIVATE FACILITIES - At such time as the public sewer becomes available to a property served by a private sewage disposal system, as provided in this ordinance, a direct connection shall be made to the public sewers in compliance with the provisions of this ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities, shall be abandoned and filled in with suitable material as specified by the Public Health Department or the department, such as sand, gravel or concrete.

CONTINUAL OPERATION - The owner of a private sewage disposal system shall operate and maintain such system in a sanitary manner at all times and at no expense of the Village.

SECTION 5. BUILDING SEWERS AND CONNECTIONS

UNLAWFUL PROCEDURE - It shall be unlawful for any person or owner to do any excavating, tap or make connections with the public sewer system without first obtaining permission of the ~~superintendent~~ Village of Roscommon as herein provided.

COST OF INSTALLATION - All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the Village for all loss or damage that may directly or indirectly be

occasioned by the installation of the building sewer.

CONNECTION TO PUBLIC SEWER SYSTEM - The applicant for a sewer connection permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The Director of Public Works or designated representative shall then inspect the installation and, if such construction is found to conform to the established specifications, and be in a safe and sanitary condition, approval shall be granted to connect the building sewer to the public sewer system.

SEPARATE SERVICES - A separate and independent building sewer shall be provided for every building. Wherever practical, a separate and independent sewer service will be provided for separate buildings on the same property where each building will be used as independent living quarters. Wherever practical, when a commercial building is constructed so as to handle more than one business establishment, a separate sewer service will be provided for each area of the building that will be a separate business establishment.

SEWER REQUIREMENTS - All sewer connections shall be made with approved sewer pipe not less than six (6) inches in diameter and at such locations in the public sewers where branches, wyes or tees were placed for that purpose, if any. Where there are not branches, wyes or tees, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the Director of Public Works; the connection shall be made by a saddle device approved by the Village DPW. All work for the purpose of making sewer connections shall be done in compliance with the rules and regulations of the plumbing code adopted by the Village and this ordinance. Whenever any existing sewer connections have been made with pipe smaller than six (6) inches internal diameter, then a stub connection not less than six (6) inches in diameter shall be constructed from the main to the property line to serve such premises. However, the owner of any lot or parcel of land having a sewer connection of less than six (6) inches internal diameter will not be required to connect to the new stub connection until such time as the existing connection is inadequate or required repairing in public property. In no case shall the Village issue a permit to repair an existing connection less than six (6) inches in diameter under a pavement or gravel street where a six-inch stub line has been constructed. If there is no six-inch stub line constructed, then the connection of less than six (6) inches in diameter shall be replaced with a six-inch tile at the time when replacement or repair become necessary. The materials of construction and construction methods must meet the requirements of the Village.

The Village may require a given material because of the location of the building sewer in relationship to the water service or because of the existence of tree roots or the condition of the soil in which the sewer is located.

The slope of the building sewer shall be subject to the approval of the Director of Public Works, but in no event shall the slope of 6" pipe be less than 1/8" per foot, and for 4" pipe no less than 1/4" per foot.

No building sewer shall be laid parallel to, or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost.

The building sewer shall be laid at uniform grade and in a straight alignment as far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

All excavating required for the installation of a building sewer shall be open dry trench work unless otherwise approved by the Director of Public Works. Pipe laying and back fill shall be performed in accordance with ASTM specifications, except that no back fill shall be placed until the Director of Public Works has inspected the work.

All joints and connections shall be made gas tight and watertight.

The actual connection of the building sewer to the public sanitary sewer shall be made only in the presence of the Village Director of Public Works or designee. The Director of Public Works, depending upon the circumstances involved, shall determine the method of the actual connection.

FAILURE TO CONNECT - In the event the owner of a parcel of land fails to connect within the time allotted by this ordinance, the Village shall proceed to make such action as is authorized to require the connection.

WORK ON PRIVATE PROPERTY - Excavation and backfill for building sewers on private property shall be made by the owner or his contractor. A licensed plumbing contractor or a licensed sewer contractor shall make connections and installation of the building sewer on private property.

All work must conform to current plumbing code standards. As built drawings of the sewer service line must be furnished the Village of Roscommon prior to connection.

USE OF EXISTING SEWERS - Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Village, to meet all requirements of this ordinance.

ELEVATION OF CONNECTION - Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved by the superintendent and discharged to the building sewer. The installation, maintenance, operating costs, repair and replacement costs of such lift shall be the sole responsibility of the property owner.

SURFACE RUNOFF CONNECTIONS - The Village does not have a combined sewer system. No person or owner shall make connection of roof downspouts, areaway drains, or other sources of surface runoff to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

GROUNDWATER CONNECTIONS - The Village does not have a combined sewer system. Exterior foundation drains, interior drains, sumps or other sources of groundwater shall not be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 6. Permits.

APPLICATION FOR CONNECTION - An application for connection to the Village sewage treatment system shall be required for all new buildings within the Village except for those areas exempted under Section III of this ordinance. Such application shall be obtained at the Village Hall.

FEES - A person granted a connection permit for the purpose of connecting with any interception sewer shall pay a connection charge. This charge shall be set by council resolution. The connection charge shall be paid at the time of application for a connection permit. The connection charge shall be exclusive of any additional charge for engineering or inspection charges. For connections that are charged a base fee and additional charges based on size, the base connection fee must be paid at the time of application and all additional charges must be paid prior to issuance of an occupancy permit for the building.

RECORD KEEPING - The Village Manager shall keep a record of all permits granted under the authority of this ordinance. Information shall include the name of the applicant and contractor, the date of connection, the location of the work and the place in the street where the connection is to be made.

Section 7. Rates and Charges.

It is the duty of the Village to render bills for the sanitary sewer service and all other charges in connection therewith and to collect all monies due therefrom.

Charges for use of the sewage disposal system of the Village are hereby established for the purpose of maintenance, operation, repair, replacement of said system, expansion or reconstruction of facilities associated with the system, refunding to the U.S. Treasury, and interest and principal on construction bonds. Such charges shall be made against all premises which have sewer connections with the sewer system of the Village or which may otherwise discharge sewage, either directly or indirectly, into such system or any part thereof.

No free service shall be furnished to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Inside the Village - Charges for users inside the Village shall be a base charge per month for all users, plus a volume charge for sewer discharge into the system. Volume shall be assessed at rate based on a per 1,000 gallon usage. The base rate and volume charges are set by council resolution.

Outside the Village - Charges for users outside the Village shall be a base charge per month for all users, a volume charge for sewer discharge into the system and a surcharge. Volume shall be assessed at rate based on a per 1,000 gallon usage. The base rate, volume charge and surcharge are set by council resolution.

Multi Service Units - Charges for multi service units will be assessed for each unit over

one and will be set by council resolution.

Unmetered sewer users - In the event a lot, parcel of real estate or building discharges sewage either directly or indirectly, into the public sanitary sewer system of the Village, and the Village finds it is not practicable to attempt to measure such wastes by meter, it shall measure the same in such a manner and by such method as it may find practicable in the light of the conditions and attendant circumstances of the case in order to determine the rates and charges according to the corresponding rates provided in the Ordinance. If the Village finds that it is practicable to attempt to measure such wastes by meter, then the owner of the property shall install a meter acceptable to the Village upon ten (10) days' written notice.

Industrial waste charge - Premises or establishments, contributing "Industrial Wastes", shall pay a rate, established by the Village Council, based on the character and quantity of the waste.

Industrial cost recovery charge - In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Village shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes discharged, either directly or indirectly, into the Village's public sanitary sewer system in such manner and by such method as it may find practicable, in the light of the conditions and attending circumstances of the case in order to determine the proper charges. Said charges shall, where deemed necessary, be adjusted on a flat rate basis by the year.

Determination of use - The determination of gallonage use shall be determined by the water meter usage, except as hereinafter otherwise provided for.

Exclusion of water not discharged into system - The quantity of water a property utilizes in a manner which is not discharged into the Village sewage disposal system may, at the option of the owner or tenant of the property, be determined by measurement by a device installed and maintained without cost to the Village. No such device shall be installed or used for such purpose without the prior approval of the Village.

Billings - Bills for the rates and charges shall be sent monthly, with meters to be read or estimated every month. All bills shall be payable on the 20th day of the month of the bill, and shall be paid at the office of the Treasurer of the Village. If any charge for the services of the system are not paid by the 20th day of the month in which it shall become due and payable, a late payment charge of ten percent (10%) of the amount of the bill shall be added there to and collected there with. If any bills for the service shall remain unpaid after 25 days following the rendition of the late payment charges there of, the sanitary sewer service for the lot, parcel of land, or premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges, in addition to the payment of a charge to be set by council resolution.

When new services are installed, billings will begin when the connection is made. If a house is habitable and/or has an established service, then a base charge will be assessed to the property. Once established, service can only be discontinued/disconnected when the

structure, which was being serviced, has been demolished/removed. When a service is to be discontinued or disconnected and a base charge is no longer paid, then this is to be ordered in writing and placed on file with the Village Manager, stating that the service is to be terminated and that there will be a new permit purchased when the service is again desired at this location.

Billing liability - The owner of the premises served shall be liable for all charges associated with the sanitary sewer service provided said premises. All sewer charges will be sent to the property owners on record in Village Hall. The only exception to this procedure will be that the billing can be sent to businesses that lease commercial buildings, with the concurrence of the building owner.

If residential property is being rented or leased to another person or persons, a copy of the billing may be furnished to the renter/lessee with authorization of the owner. It will be the responsibility of the property owner to see that the charges are paid in full. Any unpaid balances at the end of the Villages fiscal year may be added to the tax roll.

If a home/building is bought/sold with any outstanding sewer billings, these amounts become the responsibility of the new owner.

Lien on property - Charges for use of the Village's sewer system to any premises shall be a lien thereon, and if are delinquent for more than six (6) months shall be certified by the Village Treasurer who shall enter the unpaid charges, plus late fees, plus a ten percent processing and collection fee on the total amount due, upon the next tax roll against the premises to which such services have been rendered, and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll; provided that the treasurer, upon certification, shall notify the owner of the premises, by first class mail at his/her last known address, of the Village's intent to place the charges as a lien if said charges are not paid in full within fifteen (15) days of the mailing of said notice.

The treasurer shall enter the unpaid charges, late fees, processing and collections fees upon the tax rolls fifteen (15) days after notice is sent as herein specified.

Accounting for sewer system - All revenues and monies derived from the operation of the sanitary sewer system shall be paid to and held by the Treasurer separate and apart from all other funds of the Village. All said sums and all other fund and monies incident to the operation of said system, as may be delivered to the Treasurer, shall be deposited in a separate fund designated as the "Sanitary Sewer System Fund Account," and said Treasurer shall administer said fund in every respect in a manner provided by the laws of Michigan and all other laws pertaining there to.

The Village shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the Sanitary Sewer System and at regular annual intervals of the Village Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sanitary sewer system.

SECTION 8. DISCHARGE CONTROLS.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage into the Village Sewage Treatment System. Cooling water or unpolluted industrial process waters may be discharged to the sewer system when a written permit has been issued.

Any person, business, or industry planning to discharge or place anything in the sanitary sewer system, other than normal domestic waste, must notify the Village DPW before discharge or placement. Such person, business, or industry must file an Industrial Pretreatment Permit (IPP) application with the Village and wait for appropriate approval before discharge or placement.

Property owners will be responsible for proper use and security of cleanout access points to prevent the infiltration of groundwater, rain water, snowmelt and any other substance or liquid that would have adverse effects on the sanitary sewer system.

Any person violating any provisions of this Section shall be responsible for a civil infraction. The penalty for the first offense shall be no more than \$500 and for the first repeat offense, no more than \$750.00. Repeat offense shall be defined as a violation of said ordinance which has been ticketed for within the past 365 days. For any second or subsequent repeat offense, the fine shall be no more than \$1,000.00. It shall be the duty of the Village Manager of the Village of Roscommon, or authorized representative, to enforce the provisions of this Ordinance. If, after investigation, the Village Manager, or authorized representative, determines that a violation of this Ordinance exists, he shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994, to be a public nuisance as which can be

Any violation of this ordinance is also hereby declared to be a public nuisance per se which can be abated in Circuit Court either in lieu of, or in addition to, criminal prosecution.

SECTION 9. REGULATION OF PUBLIC SEWERS.

LIMITS - Use of public sewers shall be limited to those discharges that are not harmful to the public sewerage system, the sewage treatment facility or the stream receiving the sewage treatment facility effluent. In the event that natural or man-made occurrences are detrimental to the water welfare of the community, industrial wastes could be prohibited, wholly or in part, at any time.

PROHIBITED DISCHARGE - Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes, directly or indirectly, to any public sewer.

- a. **Broadly**, any water or waste will be prohibited that may cause damaging, hazardous or unhealthful effects by:

- i. Reacting chemically, either directly or indirectly, with the sewage treatment system;
 - ii. Having a mechanical action that will destroy or damage the sewage treatment system;
 - iii. Restricting the hydraulic capacity of the sewage treatment system;
 - iv. Restricting the normal inspection or maintenance of the sewage treatment system;
 - v. Placing unusual demands on the sewage treatment system;
 - vi. Limiting the effectiveness of the sewage treatment system;
 - vii. Being dangerous to public health or safety; and
 - viii. Causing obnoxious conditions adverse to the public interest.
- b. Specifically, any of the following wastes shall be prohibited:
- i. Having a pH below six (6.0) or above nine (9.0);
 - ii. Containing more than ten (10) mg/l of the following gases:
 - Hydrogen sulfide
 - Sulfur dioxide
 - Oxides of nitrogen
 - Any of the halogens
 - iii. Containing any explosive liquid, solid or gas;
 - iv. Containing any flammable substances with a flash point lower than one hundred eighty-seven (187) degrees Fahrenheit;
 - v. Having a temperature below thirty-two (32) degrees Fahrenheit (zero degrees Celsius) or above one hundred four (104) degrees Fahrenheit (forty degrees Celsius) at the sewage treatment facility;
 - vi. Containing grease or oil or other substance that will solidify or become viscous at temperatures below one hundred (100) degrees Fahrenheit;
 - vii. Containing insoluble substances in excess of ^{one} ^{1,000} ~~ten~~ thousand (10,000) mg/l
 - viii. Containing total solids (soluble or insoluble substance) in excess of ~~twenty~~ ^{two} thousand ~~(20,000)~~ ^{2,000} mg/l;
 - ~~ix. Containing soluble substance in concentrations that could increase the~~

- ~~viscosity to greater than one and one-tenth (1 1/10) specific viscosity;~~
- x. ~~Containing insoluble substance having a specific gravity greater than two and sixty-five hundredths (2 65/100);~~
- xi. Containing insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than one-half (1/2) inch;
- xii. Containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals;
- xiii. Having a chlorine demand greater than fifteen (15) mg/l in thirty (30) minutes;
- xiv. Containing more than five (5) mg/l of any antiseptic substance;
- xv. Containing phenols in excess of two-tenths (0.2) mg/l or as approved by the Michigan Water Resources Commission;
Containing mercury greater than 0.2 micrograms per liter (ug/L).
- xvi. Containing any toxic or irritating substance, which will create conditions hazardous to public health and safety;
- xvii. Containing grease, oil or any oil substance exceeding one hundred (100) mg/l;
- xviii. Containing radioactive wastes or isotopes;
- xix. Being of sufficient flow or concentration or both to be defined as a "slug" under this ordinance;
- xx. Containing any bio-solids or precipitates of extractions resulting from any industrial or commercial treatment or pretreatment of any wastes of such;
- xxi. Containing any waste of such character and quantity that unusual attention or expense is required for processing.
- xxii. Having discharge concentrations of incompatible pollutants exceeding the standards of the latest published guideline established by the state and federal governments for the effluent of the Village treatment facility as provided in this ordinance.

Containing PFAS in quantities that would cause the Village treatment facility to violate State Water Quality Standards for PFAS.

POINT OF APPLICATION - The above preceding standards and regulations, unless otherwise noted, are to apply at the point where the wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

FEDERAL CATEGORICAL PRETREATMENT STANDARDS - Upon the

promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS -

Where the Village's wastewater treatment systems achieves consistent removal of pollutants limited by federal pretreatment standards, the Village may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The Village may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

SECTION 10. PRETREATMENT.

Discharge Permit - Persons who discharge incompatible pollutants or compatible pollutants to the public sanitary sewer in excess of the limits established in this ordinance, or as amended, shall obtain a discharge permit in accordance with this ordinance and provide pretreatment of their discharge at their expense in accordance with this ordinance.

Persons who provide pretreatment shall obtain a discharge permit from the Village. Grease, oil and sand traps required by the Village shall be installed and maintained at no expense to the Village.

Interceptors - Grease, oil, and sand interceptor; grinder pumps; and/or bar screens shall be provided when in the opinion of the Village Council or its designated representative they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any inflammable wastes, sand, incompatible waste or other harmful ingredients, except that such interceptor/screen shall be a type and capacity approved by the Village Council or its designated representative and shall be located so as to be readily accessible for cleaning and inspection.

Grease and oil interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water tight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

Where installed, all grease, oil and sand interceptors, grinder pumps; and/or bar screens shall be maintained by the owner, at his expense, in continuously efficient operation at all times. The admission by any person into the public sewers or any waters or wastes having a daily average flow greater than 2% of its average daily sewage flow shall be subject to the review and approval of the Village Council or its designated representative.

Incompatible pollutants - Persons discharging incompatible pollutants, other than those described in this ordinance, which are strictly prohibited from being discharged into the sewerage system, shall reduce their incompatible pollutants to levels attainable through the application of the best practicable control technology currently available, as defined in Section 304(b) of the Federal Water Pollution Act Amendments of 1972 (PL 92-550), unless otherwise indicated in the discharge permit. If the licensed operator in-charge finds that the treatment plant can reliably remove certain incompatible pollutants, the Village may enter into a contract with the person making the discharge for the purpose of treatment the pollutants for a fee or extra strength surcharge and allowing the discharge. This shall be so indicated in the discharge permit. This credit may be rescinded at any time. All persons discharging or proposing to discharge any toxic pollutants, as defined in Section 307(a)(1) of the above act, shall apply for permission for such discharge from the Village. Attainment of allowed concentrations by dilution will not be allowed as a manner to meet discharge standards.

Excess pollutants - Persons discharging pollutants in excess of the limits listed below shall be subject to review by the licensed operator in-charge. The licensed operator shall determine the type or amount of pretreatment required at the user's expense, or he may enter into a contract with the person making the discharge for the purpose of treatment the pollutants for a fee and allow the discharge. The Village's determination shall be based on the engineering study prepared at the user's expense. The discharge from the user shall be subject to provisions of this ordinance when the following limits are exceeded:

- a. Five-day BOD greater than two hundred fifty (250) mg/l.
- b. Oil or grease greater than one hundred (100) mg/l.
- c. Total phosphorous greater than ten (10) mg/l.
- d. Average daily flow exceeding three (3) percent of the total daily design flow of the sewage treatment plant.
- e. Suspended solids greater than three hundred (300) mg/l.
- f. Average daily mass loading of the above named conventional pollutants exceeding three (3) percent of the total daily design capacity of the sewage treatment plant.

Control manholes - When the Village has determined that it is necessary to ascertain the character of discharge to the public sewerage system, the owner of such property served by a sewer connections shall install approved control manholes on the connections to allow observations, sampling and the measurements of all substances and discharges therein. The cost of the manholes and all equipment considered necessary by the Village for sampling and metering and all installation and operation of the sampling and metering equipment shall be at the expense of the user. The Village shall approve all equipment prior to installation.

Control manhole locations - All control manholes shall be located on the user's property within ten (10) feet of the property line. The control manholes shall be constructed on the sewer connection. If the property is fenced, a gate shall be provided at the manhole location, with provisions for a lock to be provided by the Director of Public Works. If the user does not want direct access to his property for security or other reasons, he shall, at

his expense, construct a security fence around the control manhole of an area acceptable to the Village. The Village may allow control manholes in the street right-of-way in an approved manner and location. Those control manholes that cannot be constructed within ten (10) feet of the property line shall be in an open and accessible area.

Right of inspection - The Director of Public Works may inspect the facilities of any user to determine whether the purpose of this article is being met and all discharge requirements are being complied with. Persons or occupants of premises where sewage or other wastes are created or discharged shall allow the Director of Public Works ready access at all reasonable times and make provisions for emergency access to all parts of the premises for the purposes of inspection or sampling or in the performance of such governmental function.

Requirements for sewer outfalls - Access to and inspection of sewer outfalls to the river and sewer meters shall be as outlined above.

Facility drawings - Detailed plans showing the pretreatment facilities and operating procedures and effluent characteristics shall be submitted to the licensed operator for review and approval as a condition of site plan review and before construction of the facility. The approval of such plans and procedures will in no way relieve such persons from the responsibility of modifying the facility, if necessary, to produce an acceptable effluent. Any changes in the approved facilities or method of operation shall be reviewed and approved by the Village.

Any persons to which pretreatment standards are applicable shall be in compliance with such standards in the shortest reasonable time, but not later than three (3) years from the date of the promulgation of the U.S. EPA guidelines. In addition, pretreatment facilities for incompatible pollutants introduced into the sewer system by a major contributing industry shall commence construction within eighteen (18) months from the date of the final promulgation of the effluent limitations guideline defining best practicable control technology currently available.

The Village shall require the development of a compliance schedule, by each person discharging industrial wastes, for the installation of such pretreatment or equalization technologies.

SECTION 11. DISCHARGE PERMITS.

Persons required to obtain permits - Persons required by this ordinance to provide pretreatment and persons engaged in any activity listed in Section 306(b)(1) (A) of the Act, which are listed below, shall obtain a permit prior to connecting to or discharging to the sewerage system:

- Pulp or paper mills
- Paper board, building and board mills
- Meat product and rendering processing
- Diary product processing
- Canned and preserved fruits and vegetables processing

Canned and preserved seafood processing
Sugar processing
Textile mills
Cement manufacturing
Feedlots
Electroplating and other plating
Organic chemicals manufacturing
Inorganic chemicals manufacturing
Plastic and synthetic materials manufacturing
Soap and detergent manufacturing
Fertilizer manufacturing
Petroleum refining
Iron and steel manufacturing
Nonferrous metals manufacturing
Phosphate manufacturing
Steam and electric generation plants
Ferroalloy manufacturing
Leather tanning and finishing
Drum or barrel cleaning plants
Glass and asbestos manufacturing
Rubber processing
Timer products processing

Such persons presently discharging to the sewerage system shall, within sixty (60) days from the effective date of this ordinance, complete and file an application for a permit with the Village. The Village may also require any other person who is discharging or proposing to discharge wastes into the system to obtain a permit. The Village may change the conditions of the permit if circumstances or laws or regulations enacted by the state or federal governments may require. Limitations on the discharge of wastes into the system shall be in accordance and agreement with the current effluent guidelines developed by the Federal Environmental Protection Agency. The Village shall determine the format of permit application.

Users required to obtain a permit hereto shall complete and file with the village, an application in the form prescribed by the Village, and accompanied by a fee as set by the council. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address and location of site if different from address;
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and three-minute peak wastewater flow rates, including daily,

- monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewer, sewer connections, and appurtenances by the size, location and elevation;
 - (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any village, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (i) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule;
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - 2. No increment referred to in the preceding paragraph shall exceed nine (9) months.
 - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not is complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between progress reports to the Director of Public Works.
 - (j) Each product produced by type, amount, process or processes and rate of production;
 - (k) Type and amount of raw materials processed (average and maximum per day);
 - (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (m) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

The Village will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a permit subject to the terms and conditions provided herein.

Conditions - The conditions of the permit shall be enforced by the director in accordance

with the provisions of this ordinance. Any permit holder who exceeds the conditions and provisions of the permit will be subject to enforcement provisions of this article and applicable state and federal laws.

Annual reports - Each person issued a permit shall submit a signed annual discharge report to the director. The director may require a permit holder to submit more frequent reports if in his/her judgement the wastes being discharged are possibly in violation of this article. The report shall include, but not be limited to, nature of process, volume, rates of flow, mass emissions, production quantities, hours of operation, personnel or other information that relates to the generation, handling and discharge of wastes. The report may also include the chemical constituents and quantity of liquid or gaseous materials stored on site. If insufficient data has been furnished, other information will be provided upon request of the director.

Accidental discharge - All persons discharging wastes to the sewerage system shall notify the water pollution control plant upon accidentally discharging wastes in violation of the ordinance or the user's permit. The notification shall be made as soon after the accidental discharge as possible, but in no case more than thirty (30) minutes after the accidental discharge. This notification shall be followed within fifteen (15) days by a detailed written report describing the causes of the accident and measures being taken to prevent future occurrence. Dates shall be set for completion of such measures, and the completion shall be reported to the director. Notification will not relieve users of liabilities for any expense, loss or damage to the system or downstream, or for any fines imposed on the Village account thereof.

Confidential status of information - All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public without restriction, unless the user specifically requests the information be classified confidential on the basis of proprietary process. When information is classified confidential, the Village shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing proprietary process, except that confidentiality shall not extend to waste products discharged to the waters of the State.

State requirements - State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those of this ordinance.

Village right of revision - The Village reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section I of this ordinance.

Wastewater dischargers - It shall be unlawful to discharge without a Village permit to any natural outlet within the Village of Roscommon, or in any area under the jurisdiction of the Village, and/or to the WWTF any wastewater except as authorized by the Village in accordance with the provisions of this ordinance.

- a. Permit modifications. Within Nine (9) months of the promulgation of a national

categorical pretreatment standard, the wastewater permit users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by this ordinance, the user shall apply for a wastewater contribution permit within sixty (60) days after the promulgation of the applicable addition. The user with an existing wastewater contribution permit shall submit to the Village within sixty (60) days after the promulgation of an applicable federal categorical pretreatment standard the information required by this section.

- b. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:
1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer
 2. Limits on the average and maximum wastewater constituents and characteristics
 3. Limits on average and maximum rate and time of discharge or requirement for flow regulations and equalization
 4. Requirements for installation and maintenance of inspection and sampling facilities
 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule
 6. Compliance schedules
 7. Requirements for submission of technical reports or discharge reports
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Village and affording Village access thereto
 9. Requirements for notification of the Village of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system
 10. Requirements for notification of slug discharges
 11. Other conditions as deemed appropriate by the Village to ensure compliance with this ordinance.
- c. Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year of may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Village, the term of the permit as the limitations or requirements as identified in this article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- d. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Village. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- e. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the WWTF, any user subject to pretreatment standards and requirements shall submit to the licensed operator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment are necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- f. Periodic compliance reports:
 - 1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWTF, shall submit to the Director of Public Works during the months of June and December, unless required more frequently in the pretreatment standard or by the licensed operator, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in paragraph (d) of this section. In consideration of such factors as local high or low flow rates, holidays, budget cycles, etc.; the Village may agree to alter the months during which the above reports are to be submitted.
 - 2. The Village may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass when requested by the licensed operator, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures

established by the administrator pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

- g. **Monitoring facilities.** The Village shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Village may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Village's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Village.

- h. **Inspection and sampling.** The Village shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The Village approval authority and (where the NPDES state is the approval authority) EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require property identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- i. **Pretreatment.** Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Village shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review, and shall be

acceptable to the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village prior to the user's initiation of the changes.

The Village shall annually publish in a newspaper distributed locally a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

SECTION 12.

(This section reserved for future Industrial Cost Recovery Information)

SECTION 13. PROTECTION FROM DAMAGE.

Powers of the police - No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Liability - Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

SECTION 14. POWERS.

Right of entry - The Village shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article, whether or not an easement has been granted. The director shall have not authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the source of discharge into the sewerage system or waterways.

Easements - The Director of Public Works and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public sewage works staying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sampling and testing - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance may be made in accordance with test methods, as defined in this ordinance, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate, or whether grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

SECTION 15. ENFORCEMENT

Harmful contributions - The Village may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Village, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the WWTF or causes the Village to violate any condition of its NPDES permit.

Any person notified of the suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection. To prevent or minimize damage to the WWTF system or endangerment to any contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within fifteen (15) days of the date of occurrence.

Revocation of permit - Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance:

1. Failure of a user to factually report the wastewater constituents and characteristics of discharge.
2. Failure of a user to report significant changes in operations or wastewater constituents and characteristics
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit.

Notification of violations - Whenever the Village finds that any user has violated or is violating this ordinance, wastewater contribution permit or any prohibition, limitation or requirements contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, the

user thereof shall submit a plan for the satisfactory correction to the Village.

Show cause hearing - The Village may order any user who causes or allows an unauthorized discharge to enter the WWTF to show cause before the Village council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Village council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the meeting. Service may be made on any agent or officer of a corporation.

The Village council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Village to:

1. Issue in the name of the Village council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village council for action thereon.

At any hearing held pursuant to this section, testimony taken must be under oath and recorded electronically or stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Village council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances area properly operated. Further orders and directives as are necessary and appropriate may be issued.

Legal action - If any person discharges sewage, industrial wastes or other wastes into the Village's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the Village, the Village attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.

SECTION 16. INDUSTRIAL USE OF THE SYSTEM

Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the Village with the following information or material and do the following:

1. A written statement setting ~~for~~ forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
2. A plan map of the building, works or complex, with each plan to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described and the waste stream identified.
3. A test sample; and shall file reports with the Village and the appropriate state agencies on appropriate characteristics of waste on a schedule, at locations and according to methods approved by the Village.
4. Place waste treatment facilities, process faculties, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
5. A report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as these factors may pertain to waste control.
6. Maintain records and file reports on the final disposal of specific liquids, solids, bio-solids, oils, radioactive materials, solvents or other waste.
7. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Village, subject to approval of the waste product.

SECTION 17. CONNECTION OF PRIVATE SYSTEMS

Before any sanitary sewer system constructed by private, as distinguished from public, funds, hereinafter referred to as the "private sanitary sewer," shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the Village with the following:

1. Provide the Village with the developer's plans and specifications for construction, an estimate of the cost of construction, and a performance bond and deposit with the Village the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the Village in an escrow account in the name of said developer.
2. Obtain approval of the Village of the plans and specifications.
3. Secure all necessary permits for construction.
4. Upon commencement of construction of the private sanitary sewer, deposit with the Village in the escrow account referred to in subsection (1) of this section a sum of four (4) percent of the cost of construction of the waste water system improvements to cover the anticipated cost of inspection of construction and payment of connection charges.

5. Upon completion of connection of the private sanitary sewer to the system, the performance bond, upon recommendation of the Village's engineer and approval of the Village council, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the Village in assuring the Village that the private sanitary sewer is properly operating shall be deducted therefrom or charges directly to the developer, at the option of the Village.

SECTION 18. VIOLATION, PENALTY, COSTS

Civil penalties - A user who is found to have violated an order of the Village council or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Misdemeanor - In addition to any civil penalty, any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be subject to a penalty of not to exceed ninety (90) days in the county jail or a fine of not to exceed five hundred dollars (\$500.00), or both, at the discretion of the court, plus the costs and expenses of prosecution.

Falsifying information - Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater contribution permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Severability - If any provision, paragraph, work, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

SECTION 19. CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

Adopted: October 22, 1998
Published: November 1, 1998
Effective: November 16, 1998

Amended: June 10th, 2013

Amended June 9, 2016

Published: June 2, 2016

**VILLAGE OF ROSCOMMON
NUISANCE ORDINANCE
Ordinance No. ____ of 2021**

AN ORDINANCE TO PROHIBIT NUISANCES WITHIN THE VILLAGE OF
ROSCOMMON TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE
AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF ROSCOMMON ORDAINS:

Section 1. Purpose.

It is hereby found and declared that the purposes of this Ordinance are to eliminate public nuisances within all areas of the Village of Roscommon for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the Village; and to preserve the taxable value of the property within such areas and all other areas of the Village.

Section 2. Definitions. As used in this Ordinance,

"All terrain vehicle" or "ATV" means any motor vehicle designed for off-road use, including but not limited to mopeds; scooters; off-road motorcycles (dirt bikes); dune buggies; golf carts; side by side utility vehicles; and three, four, or six wheeled vehicles designed for off-road use that have low-pressure tires, have seats designed to be straddled by the rider, and are powered by a gasoline engine or an engine using other fuels.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as a canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure extending from the shore or a lake or river over the water to which a boat is moored.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use,

cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. "Garbage" does not include one (1) compost pile consisting of decaying organic substances intended for fertilizing land; provided, however, that the compost pile is no larger than five feet (5') square and is located on the property so that it cannot be seen from any public highway or seen from any adjoining land owned by another person.

"Harbor or harboring" means providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge or control of any animal under any written or verbal agreement with the animal's owner.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, all terrain vehicle, self-propelled recreational vehicle, or snowmobile which lacks functioning tires or treads that permit self-propelled motion and any boat with a hole or holes in its hull.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity, except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Owner of a cat or dog" means any person or persons owning or harboring a cat or dog. Any person who harbors a cat or dog on or about property owned or occupied by that person for a period of five (5) days shall be deemed the owner of such animal.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally enclosed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, racoon, or porcupine.

Section 3. Nuisances. The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property six (6) months after an occupancy permit is issued by the Roscommon County Building Department. This subsection, however, shall not apply to building materials kept or stored outside on private property if the building material is kept or stored in an orderly fashion. As used in this subsection, the phrase "building material kept or stored in an orderly fashion" shall mean that all building material of the same type, including but not limited to lumber (both stick and sheet wood), cement blocks, bricks, roofing material, and siding shall be kept or stored together and not kept or stored intermingled with building material of a different type and shall be stacked in an organized fashion customary for that type of building material. By way of example and not limitation, stick lumber shall be piled with all sticks substantially parallel to one another, sheet wood shall be piled one on top of

another with the area of one sheet covering as much as possible the area of the sheet beneath it, cement blocks and bricks shall be stacked in the shape of a cube in such a manner that they will not fall off the stack, and siding shall be piled with each piece substantially parallel to one another.

- B. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.
- C. The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- D. The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- E. The intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- F. The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.
- G. The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.
- H. Except as authorized or required by law, the distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant or in a public right-of-way.
- I. Being the owner of a cat or dog, to permit or to allow another person to permit his or her cat or dog to do any of the following:
 - 1. To run at large within the Village.
 - 2. To trespass upon another person's real property or to in any manner injure or destroy any real or personal property belonging to another person, including but not limited to breaking or tearing open any garbage bag containing garbage or rubbish awaiting pickup or otherwise spreading garbage or rubbish on another person's property.
 - 3. To create malodorous or offensive waste conditions on the owner's property outside of a totally enclosed structure or anywhere on the property of another person; or

4. To whine, yelp, bark, howl or make other sounds common to its species such that said noise can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street between the hours of 12:00 a.m. (midnight) and 5:00 a.m. or at any time in a habitual manner. For purposes of this subsection, "habitual" means whining, yelping, barking, howling, or making other sounds common to its species on three (3) or more occasions separated by at least one (1) hour within a one (1) week period.
- J. Any use of public streets or public sidewalks, or both, which causes a crowd to gather and obstructs the free, lawful movement of people and vehicles along said streets and sidewalks.
- K. The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.
- L. Except as provided in subsections 1 - 2 below, the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property.
 1. An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.
 2. An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property for no more than fifteen (15) days for the purpose of being marketed for sale.
- M. The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property.

Section 4. Inspections.

Village representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Ordinance. Village representatives may exercise this right of inspection by consent of the person having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

Section 5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person.

Section 6. Industrial Usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

Section 7. Penalty.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 8. Enforcement Officers.

The Village Manager, and other individuals appointed by the Village Council are hereby designated as the authorized village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 9. Separate Court Action, Nuisance Per Se.

Nothing in this Ordinance shall prohibit the Village or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

Section 10. Abatement by Village.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may abate the nuisance conditions on the property through the procedures specified in this section.

- A. When the Village desires to abate a nuisance on property that exists in violation of this Ordinance, the Village shall send a written notice to the owner and/or possessor of the property. The notice shall describe the location of the property, describe the nature of the nuisance and the provision(s) of this Ordinance being violated, give the owner and/or possessor of the property no less than thirty (30) days to eliminate the nuisance on the property without intervention by the Village, and inform the owner and/or possessor of the property of his or her right to request that a municipal civil infraction citation be issued by the Village as provided in Subsection B below. The written notice shall be served on the owner

and/or possessor of the property personally or sent to the owner and/or possessor of the property by certified mail, restricted delivery and return receipt requested. The thirty (30) day time period shall commence on the date of the personal service or in the case of service by certified mail shall commence on the date the owner and/or possessor of the property signs for the certified mail.

- B. Within thirty (30) days after service of the written notice from the Village of the existence of a nuisance on his or her property, the owner and/or possessor of the property may request in writing that the Village issue a municipal civil infraction citation and that a formal hearing be held in the District Court concerning whether a nuisance exists on the property. If the owner and/or possessor makes this written request, then the Village shall issue a municipal civil infraction citation, shall request that a formal hearing be held in the District Court, and shall not enter the property to abate the nuisance as authorized under subsection C below, unless authorized to do so by the District Court Judge.
- C. If the owner and/or possessor of any property on which a nuisance exists fails to eliminate the nuisance within thirty (30) days after service of the written notice from the Village and has failed to request within this same thirty (30) day time period that a municipal civil infraction citation be issued as provided in subsection B above, the Village Manager and other individuals designated by the Village Council, after receiving authorization from the Village Council, are hereby empowered to enter upon the property for the purpose of removing from the property and disposing of any building materials, junk, trash, rubbish, garbage, refuse, and other nuisance conditions that exist on the property in violation of this Ordinance.
- D. The reasonable costs of abating the nuisance incurred by the Village, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section 11. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 12. Repeal.

Ordinance #69 enacted on April 10, 1997 is hereby repealed in its entirety.

Section 13. Effective Date.

This Ordinance shall become twenty (20) after its enactment.

Ordinance No. _____ was adopted on the _____ day of _____,
2021, by the Roscommon Village Council as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Frances Dawson, Clerk

Michael Miller, President

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular
meeting of the Roscommon Village Council on _____, 2021
and published in the _____ on
_____, 2021.

Dated: _____

Frances Dawson, Clerk

2021 Tax Rate Request (This form must be completed and submitted on or before September 30, 2021)

Carefully read the instructions on page 2.

MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory; Penalty applies.

County(ies) Where the Local Government Unit Levies Taxes ROSCOMMON	2021 Taxable Value of ALL Properties in the Unit as of 5-24-2021 23,378,728
Local Government Unit Requesting Millage Levy VILLAGE OF ROSCOMMON	For LOCAL School Districts: 2021 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties.

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2021 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Election Charter, etc.	(5) ** 2020 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2021 Current Year "Headlee" Millage Reduction Fraction	(7) 2021 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
ALLOCATED	GENERAL	11/1978	12.0000	11.7691	1.0000	11.7691	1.0000	11.7691	9.8000		N/A
VOTED	WW DEBT	1997	VARIABLE	N/A	1.0000	N/A	1.0000	N/A	2.5000		12/2038
	TOTALS		12.0000	11.7691				11.7691	12,3000		

Prepared by FRANCES DAWSON	Telephone Number	Title of Preparer CLERK	Date 06/07/2024
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CERTIFICATION: As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

<input checked="" type="checkbox"/>	Clerk	Signature	Print Name	Date
<input type="checkbox"/>	Secretary		FRANCES DAWSON	06/07/2021
<input type="checkbox"/>	Chairperson	Signature	Print Name	Date
<input type="checkbox"/>	President		Michael M. 116	6-7-21

Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

**** IMPORTANT:** See instructions on page 2 regarding where to find the millage rate used in column (5).



Village of Roscommon Council Resolution

At a regularly scheduled council meeting of the Village of Roscommon held on June 14, 2021, on a motion by _____, seconded by _____, the following resolution was adopted by a vote of ____ to ____:

WHEREAS, the Village of Roscommon Village Council desires to construct a new sidewalk on the east side of Brooks Street between Fourth Street and Third Street,

WHEREAS, it shall be the responsibility of the Roscommon Village Manager, within (5) days after the adoption of such resolution, to cause a notice of such resolution to be served upon the owners or occupants of the parcels of land upon which the sidewalk is to be constructed,

WHEREAS, it shall be the responsibility of the Roscommon Village Manager, to send bids out for the construction of such sidewalk,

WHEREAS, the Village Council may, by a 2/3 vote of the council, pay such part of the construction cost of such sidewalk as they may consider proper,

WHEREAS, the final cost of such construction of a sidewalk will be charged against the appropriate sidewalk fund,

BE IT FURTHER RESOLVED THAT the Village of Roscommon Village Council hereby grants authority for the Village Manager to execute project administration agreements for this approved sidewalk construction project.

Roscommon Village Council President

Village of Roscommon, Clerk

VILLAGE OF ROSCOMMON
ORDINANCE 21

The Village of Roscommon Ordains:

SECTION 1. SHORT TITLE

This ordinance may be referred to as the Sidewalk Ordinance

SECTION 2. DEFINITION

For the use in this ordinance, the term "sidewalk" shall be defined as a paved walk for pedestrians at the side of a street, connecting either with another paved walk perpendicular to itself at the end of a block or ending in a connection with a road surface.

SECTION 3. MAINTENANCE

Every owner or occupant of any house or building and every owner of or agent for the owner of any lot within the Village, shall keep the sidewalk in front of or adjoining any such building, house, or lot free from all dirt, filth, rubbish, encumbrances and obstructions.

Every owner or occupant of any house or building and every owner of or agent for the owner of any lot within the Village, shall keep the constructed sidewalks front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

No person shall remove any snow or ice from any private property, including any private driveway, road, or parking area, and deposit the same in or upon any public property, including streets, sidewalks, crosswalks, ditches and gutters.

Every owner or occupant of any house or building and every owner of or agent for the owner of any lot within the Village, shall maintain the area between the sidewalk and the paved driving surface of the roadway, including the cutting of grass, as defined in the Village of Roscommon Blight Ordinance. Failure to maintain this area may be construed a violation of the Village Blight Ordinance.

SECTION 4. REPAIR

The expense of repairing any sidewalk shall be incurred by the Village and shall be paid out of the ~~general~~ **appropriate street** fund. If more than twenty-five percent (25%) of any sidewalk shall require repair, that work shall then be deemed reconstruction. Sidewalks that are damaged or removed by an owner, renter or contractor during work done at a property shall be repaired/replaced by property owner unless prior evaluation has been made by the Village Manager as to the condition of the sidewalk. The evaluation shall determine whether the sidewalk condition warrants repair or reconstruction.

It is hereby made the duty of all persons to keep in reasonable repair all sidewalks in front of all lands or premises owned or occupied by them so that the sidewalks will be reasonably safe and fit for public travel. If any owner or occupant of any lands or premises in the Village shall

neglect or refuse to keep a sidewalk in repair, or shall allow a condition of disrepair so as not to be in condition reasonably safe and fit for public travel any sidewalk in front of his land or premises, such owner or occupant shall be liable to the Village for all damages and costs recovered from and against the Village in any court of competent jurisdiction, with costs of suit, and the judgment recovered against the Village shall be conclusive evidence of the liability of such owner or occupant to the Village. Notice of the pendency of any suit brought against the Village for the recovery of such damages shall be given such owner or occupant or to the agent, if known, of such owner if such premises is unoccupied, and he or they are permitted to assist in the defense of such suit if he or they so request.

SECTION 5. CONSTRUCTION

Whenever the Village shall deem that the construction of a new sidewalk, or the reconstruction of an old sidewalk a necessary public improvement, it shall so declare by resolution, describing the property upon which such construction or reconstruction is ordered.

It shall be the responsibility of the Village Manager or Clerk, within five (5) days after the adoption of such resolution, to cause a notice of such resolution to be served upon the owners or occupants of the parcels of land upon which the sidewalk is to be constructed or reconstructed. Service of such notice shall be as follows:

- (a) By handling the same personally to the resident owner of the premises, if known, or by leaving the same at his residence, office or place of business with some person of suitable age and discretion.
- (b) If the owner is a nonresident of the Village, by leaving the same with a resident agent of the owner, either at a place of business or rental home.
- (c) If such nonresident owner shall have no known agent in the Village, service shall be made by posting such notice in some conspicuous place on the parcel of land and/or by mailing the same to the last known address of such nonresident owner by first class mail.

Notice shall direct the owner, or agent of the owner, to construct or reconstruct as the case may be, such sidewalk as stated in the resolution within twenty-one (21) days of such notice, or, in default thereof, the sidewalk will be constructed or reconstructed, as the case may be, by the Village. The Village, may at its discretion, hire a private contractor for such work. The cost of such work shall be assessed against the adjacent property in the same manner as provided for assessments for other public improvements. The Village Council may, by a 2/3 vote of the entire council, pay such part of the construction or reconstruction costs of such sidewalks, as they may consider proper. This cost will be charged against the ~~general~~ **appropriate street** fund of the Village.

SECTION 6. ENCROACHMENTS

All commercial establishments within the Village of Roscommon, with frontage along a public sidewalk, are held responsible for assuring said sidewalk is free of obstacles to pedestrian traffic. An unobstructed area of six (6) feet must be maintained. Outside display of general merchandise or use of a temporary sign, such as a "sandwich board sign," is permitted, as long as it does not

impede pedestrian traffic and is displayed only during the periods that the establishment is open for business. No vending machines, whether owned or leased, are permitted to be established anywhere on public sidewalks.

The Roscommon Village council reserves the right to waive the above requirements for a period of no more than 5 days during community sponsored events and/or festivals. Requests for waivers must be received in adequate time for council to make a decision on the request.

That it shall be unlawful for any person or persons to drive any carriage, wagon, cart, automobile, truck, tractor, motorcycle or other vehicle across any sidewalk inside the said village, excepting for the purpose of ingress and egress to and from lands across the sidewalk, and then only where the said sidewalk has been expressly constructed for said crossing.

Encroachments on or above any part of any public sidewalk shall not be permitted except for marquees, awnings, signs or other facilities where specifically authorized by the ordinance of the Village and when erected and maintained in accordance therewith; provided, such encroachments shall not be less than eight (8) feet above the grade of the sidewalk. The Village manager, with authorization from the council, may authorize temporarily the erection of flags and other suitable decorations along a public sidewalk in observation of holidays, parades or other civic functions.

SECTION 7. ENFORCEMENT

When a complaint is received and it has been verified that a violation of this ordinance exists, any person violating any provisions of this Ordinance shall be responsible for a civil infraction. The penalty for the first offense shall be \$30.00 and for the first repeat offense, \$50.00. Repeat offense shall be defined as a violation of said ordinance which has been ticketed for within the past 5 days. For any second or subsequent repeat offense, the fine shall be no more than \$250.00. It shall be the duty of the Village Manager of the Village of Roscommon, or authorized representative, to enforce the provisions of this Ordinance. If, after investigation, the Village Manager, or authorized representative, determines that a violation of this Ordinance exists, he shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994.

Permitting a violation of the Ordinance on private premises is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the Court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of the Ordinance by abatement of any nuisance by the enforcing officer or by application to any court of competent jurisdiction for abatement by judicial decree or writ shall not preclude enforcement of the Ordinance by the issuance of a municipal civil infraction and the imposition of fine and costs. Complaint for violation of this Ordinance and the imposition of fine or imprisonment as herein provided.

SECTION 8. REPEALER

All ordinances or parts of ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 9. SEVERABILITY

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective in the Village of Roscommon following adoption by the Village Council and two weeks after publication.

ADOPTED: November 13, 1997

AMENDED: June 25, 2012

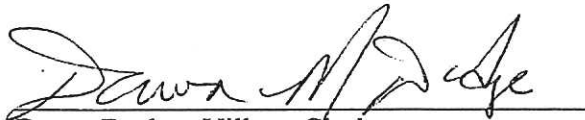
PUBLISHED: July 5, 2012



Erine Adams, Village President

7-9-12

Date



Dawn Dodge, Village Clerk

6/29/12

Date