

CHAPTER 7

DEPARTMENT OF PUBLIC WORKS

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ARTICLE I – SOLID WASTE

DIVISION 1. IN GENERAL

Sec. 7-1. Food, human and animal wastes; disposal.

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Sec. 7-3_7-20. Reserved.

Sec. 7-1. Food, human and animal wastes; disposal.

- a. Food, human and animal wastes shall be stored in containers that prevent the infiltration of flies, vermin, rodents, and other animals until disposed of through the village compactor, private hauler, or others.

(Ord. #493, passed 01-07-19)

Sec. 7-2. Municipal civil infraction.

- a. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine in accordance with Chapter 6, Article IV, Municipal Civil Infractions, of this Code of Ordinances. Repeat offenses under this section shall be subject to increased fines as may be established by the Village Council.

(Ord. #493, passed 01-07-19)

Sec. 7-3_7-20. Reserved.

(Ord. #493, passed 01-07-19)

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Sec. 7-24_7-40. Reserved.

Sec. 7-21. Supervisor.

- a. The Superintendent, Department of Public Works shall supervise the operation of the Village Compactor.

(Ord. #493, passed 01-07-19)

Sec. 7-22. Disposal of household refuse and garbage.

- a. No person shall dispose of household garbage, refuse or rubbish in any village container or on any village property except at the village compactor site and only during the time posted at the compactor.

(Ord. #493, passed 01-07-19)

Sec. 7-23_7-40. Reserved.

(Ord. #493, passed 01-07-19)

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Sec. 7-45_7-60. Reserved.

Sec. 7-41. Hours and days of operation.

- a. Hours and days of operation of the village compactor shall be as established by the Village Council and shall be posted at the entrance of the village compactor and published annually in a newspaper circulated with the village.

(Ord. #493, passed 01-07-19)

Sec. 7-42. Compactor rates and fees.

- a. Tax rates and fees for use of the village compactor shall be established by Resolution of the Village Council as may be amended from time to time. Such rates shall be published annually in a newspaper circulated with the village, posted at the entrance of the village compactor and on village social media.

(Ord. #493, passed 01-07-19)

Sec. 7-43. Designated area.

- a. All persons using the compactor shall dispose of garbage, refuse or rubbish only in those areas designated by the signs and/or the supervisor of such compactor. Any person disregarding such instructions shall be guilty of a violation of this article.

(Ord. #493, passed 01-07-19)

Sec. 7-44. Prohibited items.

- a. No person shall dump prohibited items in the village compactor which are not readily disintegrable or which in any manner interfere with the operation of the village compactor. A list of all such prohibitive items shall be established and posted at the entrance to the village compactor and shall also be published in a newspaper of general circulation within the village. The Village Council may modify such list of prohibitive items, provided that each such modified list shall be posted and published in accordance with this section.

(Ord. #493, passed 01-07-19)

Sec. 7-45_7-60. Reserved.

(Ord. #493, passed 01-07-19)

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ARTICLE II – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

DIVISION 1. IN GENERAL

Sec. 7-61. Purpose.

- a. The purpose of this Article is to provide for appropriate utilization of public rights-of-way, public easements and/or public property by regulating the placement of structures and landscaping within or upon any public right-of-way or public easement in order to assure adequate and safe public access to the streets, sidewalks or any other public easement.

(Ord. #493, passed 01-07-19)

Sec. 7-62. Definitions.

- a. Words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
 - Articles/Objects: any item or obstruction placed over (overhead clearance of eight feet) or upon any sidewalk.
 - Central Business District: as defined on the village Official Zoning Map.
 - Encroachment: a private improvement, structure, or obstruction extending into or located within, upon, above, or under any public right-of-way, public easement or public property.
 - Fence: any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other material or combination of materials erected to enclose, partition, beautify, mark, or screen areas of land.
 - Landscaping: materials, including without limitation, grass, ground cover, shrubs, vines, hedges, trees, and non-living natural materials commonly used in landscaped development, as well as attendant irrigation systems.
 - Obstruction: includes, without limitation:
 - a. Landscaping, fence, or structure placed nearer than one foot to any public sidewalk or path;
 - b. Landscaping, fence, or structure which does not comply with the requirements Section 520, Visibility at Intersections, of the Village of Elk Rapids Zoning Code, or with its extension into the public right-of-way;

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- c. Landscaping or structure which projects onto or over the public right-of-way and/or obstructs the view of traffic, obscures any traffic control device, prevents pedestrian use of any part of a street, or otherwise constitutes a hazard to drivers or pedestrians.
 - d. Without limitation, a dead bough of a tree located on a person's property but overhanging public property constitutes such a hazard.
 - e. Cement, concrete, piping, or other material placed in a gutter to aid vehicles in driving over a curb or for any other purpose.
- Primary sidewalk: any portion of sidewalk located within any public street right-of-way that generally runs parallel to the street and is designated on the primary sidewalk list and on the sidewalk master plan as may be approved and amended from time to time by the Village Council.
 - Public service items: such items as trees, public benches, tree grates, light posts, utility, fire hydrants, waste containers, post office boxes, clocks, U.S. flags in designated positions, etc.
 - Public sidewalk: that portion of the street right-of-way designated for pedestrian travel.
 - Secondary sidewalk: all sidewalks not designated as primary sidewalks as defined below.
 - Street: all of the land lying between property lines on either side of all streets, alleys and boulevards in the village, and includes lawn extensions, sidewalks, paths and the area reserved therefore where the streets are not yet constructed.
 - Structure: anything constructed or erected with a fixed location below, on, or above grade.
 - Superintendent: the Village of Elk Rapids Superintendent, Department of Public Works.

(Ord. #493, passed 01-07-19)

Secs. 7-63_7-75. Reserved

(Ord. #493, passed 01-07-19)

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DIVISION 2. STREETS

A. Encroachment and Obstructions

Sec. 7-76. Encroachments and obstructions prohibited.

Sec. 7-77. Non-conforming situations.

Sec. 7-78. Exceptions.

Sec. 7-79. Abatement of encroachments.

Sec. 7-80. Permits and bonds.

Sec. 7-81_7-95. Reserved.

Sec. 7-76. Encroachments and obstructions prohibited.

- a. No person shall erect or replace segments of any building, structure, fence, barrier, post, landscaping, obstruction, or place any article, thing or other encroachment within, under, above, or upon any public rights-of-way, public easements and/or public property, except' under the conditions and in the manner permitted in this division unless otherwise exempted under the provisions of Sec. 7-78 below.

(Ord. #493, passed 01-07-19)

Sec. 7-77. Non-conforming situations.

- a. Unless otherwise specifically provided in this section, and subject to the restrictions and qualifications therein, a non-conforming structure or situation that was otherwise lawful on the effective date of this division, may be continued.
- b. Except as provided in this section, no person may engage in any activity that causes an increase in the extent of non-conformity, that is, no non-conforming structure or situation may be enlarged or altered in such a manner as to increase the non-conforming condition.
- c. A non-conforming structure may not be moved or replaced except to bring the structure into complete conformity with this division.
- d. Nothing in the division shall prevent the maintenance, repair, or continued use of a non-conforming structure or use, lawfully existing at the effective date of this division. Maintenance and/or repair activity of a non-conforming structure shall be limited to painting, staining, trimming, landscaping, and replacing worn materials in targeted areas, not the entire structure. Maintenance and repair shall be completed as a single project and may not be accomplished incrementally, i.e., replacement of a single section of a non-conforming fence or other structure shall not be permitted.

(Ord. #493, passed 01-07-19)

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Sec. 7-78. Exceptions.

- a. Landscaping is permitted on public rights-of-way, public easements and/or public property by the owner or tenant of property immediately adjacent to the area in which the planting occurs, or separated from such area only by a sidewalk, when:
 - Landscaping is required pursuant to an approved landscape plan as part of a site plan review application;
 - Landscaping, including irrigation systems, does not create an obstruction or impair or impede the designated purpose of the right-of-way or easement;
 - Landscaping planted in accordance with this sub-section is maintained so that there is eight feet of overhead clearance above any sidewalk or path at all times of the year; and
 - Landscaping is 12 inches in height or less, when located within 18 inches of the sidewalk and has no capacity to impede pedestrian or bicycle traffic. Such landscaping may extend to the edge of the travelled portion of the road right-of-way.
- b. Any structure, fence, barrier, post, landscaping, or other obstruction, as defined in this division, erected by, on behalf of, or pursuant to authorization by the Village Council that they have determined benefits the community at large.
- c. Trees planted and/or irrigation systems installed by the abutting property owner after approval by the Superintendent in accordance with provisions in section 7-80 below.
- d. These exceptions are subject to removal within ten days after written notice in accordance with section 7-79 below, if:
 - The item no longer complies with conditions outlined in this section; or
 - The department of public works requires access.
 - If not removed within the ten-day period noted above, the village will take the necessary action to remove the obstruction and recover all expenses associated with the removal from the adjacent property owner(s) in accordance with Sec. 7- 79(c) below.
- e. Landscaping, as noted above, shall be completed at the sole expense of the property owner and the Village of Elk Rapids shall not be liable for any damage to such landscaping due to work performed during required construction or maintenance of facilities by the Village.

(Ord. #493, passed 01-07-19)

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Sec. 7-79. Abatement of encroachments.

- a. With the exception of those items noted in section 7-78 above, any encroachment of the public right-of-way, public easement, and/or public property contrary to the terms of this division, may be removed or enjoined and abated by suit or other action by the Village of Elk Rapids.
- b. Whenever any encroachment exists or is located contrary to the provisions of this division, the Village Manager or duly authorized representative, will notify the person who made, located, caused, allowed or permitted the encroachment, or who owns or controls the premises or property adjacent to or for which such encroachment exists, and order the person to abate the encroachment within such time that the village manager or duly authorized representative determines is reasonable under the circumstances.

Notice under this sub-section is sufficient if it is mailed first class to the address of the last known owner of the property on the records of the Clerk, Village of Elk Rapids, or if given by personal service, or in the case of an emergency, given orally in person or by telephone to the owner or the owner's authorized representative.

- c. If the person notified under subsection (b) of this section fails to comply with the order to abate the encroachment, the Village Manager or duly authorized representative may cause the encroachment to be removed and may charge the cost thereof to the person so notified. If any person fails or refuses to pay when due any charge imposed under this section, the village may, in addition to other collection remedies, certify due any unpaid charges, including interest, to the Antrim County Treasurer, to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected under the procedures prescribed in sections 19, 20 and 21 of chapter VIII of the Village Charter.

(Ord. #493, passed 01-07-19)

Sec. 7-80. Permits and bonds.

- a. Where a permit is required by this division, it shall be obtained upon application to the village, upon such forms as shall be prescribed, and the payment of such fee as set by resolution of the Village Council. Such permit shall be revocable by the Village Manager or duly authorized representative, for failure to comply with this division, rules and regulations adopted pursuant hereto, and the lawful orders of the Village Manager or duly authorized representative.
- b. Application for a permit under the provisions of this division shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the village in connection therewith, repair all damage done to the street surface and installations on, over, under, or within such public right-of-way, street, sidewalk, path, alley, or public easement, including trees, and protect and save harmless

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the village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.

- c. All applicants shall provide commercial general liability, workers compensation and motor vehicle liability insurance policies showing the Village of Elk Rapids as being "additionally insured." The policies shall be filed when making application for a permit. The policies shall not be less than amounts as set by the Village Council.

(Ord. #493, passed 01-07-19)

Sec. 7-81_7-95. Reserved.

(Ord. #493, passed 01-07-19)

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B. Street Openings

- Sec. 7-96. Street openings.
- Sec. 7-97. Backfill.
- Sec. 7-98. Utility poles.
- Sec. 7-99. Maintenance of installations in streets.
- Sec. 7-100. Curb cuts.
- Sec. 7-101. Materials and machinery occupying street.
- Sec. 7-102. Pedestrian passage.
- Sec. 7-103. Safeguards.
- Sec. 7-104. Shoring excavations.
- Sec. 7-105. House moving.
- Sec. 7-106. Removal of obstructions.
- Sec. 7-107. Temporary street closings.
- Sec. 7-108._7-125. Reserved.

Sec. 7-96. Street openings.

- a. Unless otherwise specifically provided in this section, no person shall make any excavation, or opening in or under any street, or place any materials or machinery incidental to the construction, maintenance, demolition or repair of any building adjacent to such street, without a permit issued by the Superintendent, Department of Public Works.
- b. Applicants shall provide commercial general liability, workers compensation and motor vehicle liability insurance policies in an amount determined by the village council, listing the Village of Elk Rapids as being additionally insured.
- c. The Superintendent may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this section shall be complied with.

(Ord. #493, passed 01-07-19)

Sec. 7-97. Backfill.

- a. Except as authorized by the Superintendent, all trenches or other excavations in a public street shall be backfilled with granular material to within 12 inches of the surface and the remaining portion shall be filled with road gravel or other backfill materials as specified by the Superintendent within 24 hours of completion of the work. Excavations in other public property shall be done in such a manner and backfilled with such material as specified by the Superintendent.
- b. Paved streets shall be re-paved within 30 days unless paving suppliers have shut down

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for the season in which case the streets will be patched within 30 days of re- opening.

(Ord. #493, passed 01-07-19)

Sec. 7-98. Utility poles.

- a. Utility poles may be placed in such streets as the Superintendent shall prescribe and shall be located thereon in accordance with the directions of the Superintendent. Such poles shall be removed or relocated as the Superintendent shall from time to time direct.

(Ord. #493, passed 01-07-19)

Sec. 7-99. Maintenance of installations in streets.

- a. Each property owner permitted to have any structure(s) under this section, either in, under, over, or upon any public property adjacent to or part of their property, shall maintain such structures in good repair. Each property owner shall indemnify and save harmless the Village of Elk Rapids against any actions of law that may arise from such structure(s) being in disrepair or defective.

(Ord. #493, passed 01-07-19)

Sec. 7-100. Curb cuts.

- a. No opening in or through any curb of any street shall be made without first obtaining a written permit from the Superintendent. Curb cuts and sidewalk or driveway crossings to provide access to private property shall comply with the following:
 - No single curb cut shall exceed 25 feet nor be less than ten feet.
 - The minimum distance between any curb cut and a public crosswalk shall be five feet.
 - The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.
 - The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be 45 percent of the total abutting street frontage up to and including 200 lineal feet of street frontage, plus 20 percent of the lineal feet of street frontage in excess of 200 feet.
 - The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the village.
 - All construction shall be in accordance with plans and specifications approved by the Superintendent.

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(Ord. #493, passed 01-07-19)

Sec. 7-101. Materials and machinery occupying street.

- a. No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of building adjacent to such street, or for any other purpose, without first obtaining a permit from the Superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Sec. 5-96(c).

(Ord. #493, passed 01-07-19)

Sec. 7-102. Pedestrian passage.

- a. At least six feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

(Ord. #493, passed 01-07-19)

Sec. 7-103. Safeguards.

- a. All street and sidewalk openings, excavations and obstructions shall be properly and substantially barricaded and clearly designated in accordance with the guidelines established by the state department of transportation (MOOT) and the safety requirements of MIOSHA.

(Ord. #493, passed 01-07-19)

Sec. 7-104. Shoring excavations.

- a. All work opening, excavating or otherwise affecting any streets, easements, roads, alleys, sidewalks or village right-of-way, shall be done in accordance with MOOT and MIOSHA requirements.

(Ord. #493, passed 01-07-19)

Sec. 7-105. House moving.

- a. No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than 14 feet, into, across or along any street, alley or other public place in the village without first obtaining approval from the Superintendent. Persons requesting approval shall specify the route to be used in such movement, and no person shall engage in such movement along a route other than that specified.

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- b. All costs incurred by the Village of Elk Rapids in relocating signage, removing wires etc. shall be billed to the Contractor.

(Ord. #493, passed 01-07-19)

Sec. 7-106. Removal of obstructions.

- a. Encroachments and obstructions in the street shall be removed and excavations refilled at the expense of the abutting landowner.

(Ord. #493, passed 01-07-19)

Sec. 7-107. Temporary street closings.

- a. The Superintendent shall have authority to temporarily close any street or portion thereof, when such street is deemed to be unsafe or temporarily unsuitable for use for any reason. The Superintendent shall cause suitable barriers and signs to be erected on such street, indicating that the street is closed to public travel. When any street or portion of a street shall have been closed to public travel, no person shall drive any vehicle upon or over such street except as such driving may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the superintendent. The superintendent may temporarily close any street for public functions upon application for permit and subsequent village council approval.

(Ord. #493, passed 01-07-19)

Sec. 7-108_7-125. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 3. SIDEWALKS

A. In General

Sec. 7-126. Municipal Civil Infractions.

Sec. 7-127. Permits.

Sec. 7-128_7-135. Reserved

Sec. 7-126. Municipal civil infraction.

- a. In addition to the cost of removal set forth in Sec. 7-162, a person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine on file at the village municipal civil infractions violations bureau. Repeat offenses under this section shall be subject to increased fines on file at the village municipal civil infraction violations bureau.

(Ord. #493, passed 01-07-19)

Sec. 7-127. Permits.

- a. No person shall construct, remove, replace or repair any sidewalk within the Village of Elk Rapids public street right-of-way without a written permit approved by the Superintendent, Department of Public Works.

(Ord. #493, passed 01-07-19)

Sec. 7-128_7-135. Reserved.

(Ord. #493, passed 01-07-19)

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B. Construction, Removal, Replacement and Repair

Sec. 7-136. Primary sidewalk construction and maintenance.

Sec. 7-137. Secondary sidewalk construction, repair, replacement and maintenance.

Sec. 7-138. Specifications.

Sec. 7-139. Exception for sidewalk repair or replacement by owner(s).

Sec. 7-140_7-160. Reserved.

Sec. 7-136. Primary sidewalk construction and maintenance.

- a. Primary sidewalks, as designated on the primary sidewalk list and on the sidewalk master plan, as may be amended, will be constructed by the Village of Elk Rapids at village expense.

(Ord. #493, passed 01-07-19)

Sec. 7-137. Secondary sidewalk construction, repair, replacement and maintenance.

- a. With the exception of site condominium, sub-division, or planned unit developments, the Village Council, by resolution may, construct new secondary sidewalks within the public street right-of-way. The village and the owner(s) of record of those properties to the new sidewalk shall each be responsible for 50 percent of the total cost of construction of the new sidewalk.
- b. The Superintendent, Department of Public Works shall determine when a sidewalk is unsafe for use, or in disrepair. Upon this determination, the superintendent shall provide a list of those sidewalks to the Village Manager, a list of those sidewalks along with a recommendation to repair or replace them. The Village Manager will make the final determination of the sidewalks to be replaced and those to be repaired.
- c. The village and the owner(s) of record of those properties adjacent to the sidewalks to be repaired or replaced shall each be responsible for 50 percent of the total cost of the repair or replacement of the sidewalk. The owner(s) portion of the cost shall be assessed to such lot(s) or premise(s) and the owner(s) of record thereof, and collected as provided in The General Law Village Act, Section 10 of Chapter VII of the Charter (MCL 67.10), or in such other manner as may be agreed to by the village manager and the owner(s) of record.
- d. Maintenance of all secondary sidewalks shall be the responsibility of the owner(s) of record.

(Ord. #493, passed 01-07-19)

Sec. 7-138. Specifications.

- a. All construction, replacement and/or repair of sidewalks within the Village of Elk Rapids under this section shall conform to the specifications of the Village of Elk Rapids

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Infrastructure Standard Specifications and Details Manual as may be amended from time to time.

- b. Sidewalks shall be constructed to the lines, grades, slopes and widths as established by the Superintendent, Department of Public Works.

(Ord. #493, passed 01-07-19)

Sec. 7-139. Exception for sidewalk repair or replacement by owner(s).

- a. The owner(s) of record of such lot(s) or premise(s) adjacent to sidewalks identified by the Village of Elk Rapids as requiring repair or replacement, that desire to complete the repair or replacement themselves, may petition the village by completing the following:
 - 1. Provide written request to the Superintendent, Department of Public Works indicating the owner(s) desire to perform the required sidewalk repair or replacement, along with a brief statement of competency to complete the work in accordance with all village specifications.
 - 2. Provide a detailed cost to the Superintendent, Department of Public Works for review of all labor and materials to be used in the construction, for which the village will be responsible at 50 percent of the documented cost. If the construction is authorized, the village shall not be financially responsible for any portion of any labor or materials beyond what is approved.
 - 3. Provide a written statement that all work shall conform to the specifications of the Village of Elk Rapids Infrastructure Standard Specifications and Details Manual and that sidewalk repair or replacement shall be constructed to the line, grade, slope and width of sidewalks established by the Superintendent, Department of Public Works.
 - 4. Provide estimated time of completion of all work.
 - 5. Should the owner(s) of record want to replace a sidewalk that does not require repair or replacement, they may do so with the permission of the Superintendent of Public Works. In this case, the owner(s) of record will be responsible for 100 percent of the cost of the sidewalk.
- b. The Superintendent, Department of Public Works, after review of the above provided documentation, may authorize the owner(s) of record to proceed with the work, or deny the request at its sole discretion. If authorized, a permit shall be issued, the work performed within the time specified, and approved invoices submitted for reimbursement by the village at 50 percent if eligible. After inspection by the Superintendent, Department of Public Works to ensure compliance with all village specifications, the Superintendent shall issue approval for payment of approved materials by the village.

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(Ord. #493, passed 01-07-19)

Sec. 7-140_7-160. Reserved.

(Ord. #493, passed 01-07-19)

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C. Snow Removal from Certain Sidewalks

Sec. 7-161. Clearing of designated streets; time limit.

Sec. 7-162. Failure to remove.

Sec. 7-163_7-170. Reserved.

Sec. 7-161. Clearing of designated streets; time limit.

- a. All primary sidewalks will be mechanically cleared of major snow accumulations by the village.
- b. All snow and ice shall be removed from the sidewalks on the following designated streets of the village:
 - River Street, between Pine Street and Bridge Street;
 - Dexter Street, between River Street and Noble Street;
 - Cedar Street, between River Street and Traverse Street;
 - Bridge Street, between River Street and first alley to the south;
 - Traverse Street, north side between Cedar Street and Pine, first business building.
- c. The owner of every lot or premises adjoining any of the above designated streets shall clear all ice and snow from the sidewalks adjoining such lot or premises within the following times:
 - When any snow shall fall or drift upon any sidewalk during the nighttime, such snow shall be cleared from the sidewalks by 12:00 noon.
 - Snow falling or accumulating during the day shall be cleared from the sidewalks by 12:00 noon the following day.

(Ord. #493, passed 01-07-19)

Sec. 7-162. Failure to remove.

- a. If the owner of such lots in the area designated in Sec. 7-161, shall fail to remove all snow and ice from such sidewalks within the time required, the Village Manager shall cause the removal to be done at the expense of such owner, and the owner shall be billed for all such expense to remove the snow and ice. If the owner shall fail to pay the bill for said removal, the Village Manager shall cause the amount of all expenses incurred thereby, together with a penalty of ten percent in addition thereto, to be reported to the board of

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special assessors, to be levied by them as a special tax or assessment upon the respective lots adjacent thereto or abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as provided by the statute in such case provided.

Such tax, when confirmed, shall be a lien upon such lots the same as other special assessments, and the council shall order the village assessor to spread such amount, together with such penalty upon his roll as a special assessment upon such lots, and the amount shall be collected in the same manner as other village taxes. The village may collect such amount, together with the penalty, from the owner of such lots in an action of assumpsit.

(Ord. #493, passed 01-07-19)

Sec. 7-163_7-170. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 4. CENTRAL BUSINESS DISTRICT

Sec. 7-171. Allowable items.

Sec. 7-172. Exempt period.

Sec. 7-173. Clear sidewalks.

Sec. 7-174. Permit application requirements.

Sec. 7-175_7-185. Reserved

Sec. 7-171. Allowable items.

- a. The council may add or eliminate items between the building and clear sidewalks as the council deems necessary for the safety and welfare of village residents. Such regulations may be reflected by resolution of the council which shall be published in a newspaper of general circulation within 15 days of passage of the resolution.

(Ord. #493, passed 01-07-19)

Sec. 7-172. Exempt period.

- a. The restrictions of this division shall not apply on days of functions as approved by the Village Council or their designated official. However, emergency vehicles will be provided continuous access.

(Ord. #493, passed 01-07-19)

Sec. 7-173. Clear sidewalks.

- a. At all times there shall be a five-foot width of sidewalk clear of any articles or objects and public service items, as measured from the building. Such clear sidewalk shall be continuous and unbroken from tree grate to tree grate. No articles or objects shall be allowed between the edge of the continuous and unbroken line tree grate to tree grate to the face of the curb.

(Ord. #493, passed 01-07-19)

Sec. 7-174. Permit application requirements.

- a. Any business wanting to use any remaining portion of the public sidewalk shall be required to receive a permit approved by the Village Manager or his/her authorized representative. Such permit application shall be available on the form provided by the village requesting use of the public sidewalk.
- b. Any person who shall place a private object on a public piece of property shall be on notice that they are liable for any damages caused to any person or property whatever by the placement of such object. The permit application shall be accompanied by a certificate of

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liability insurance in the amount of \$300,000.00 per occurrence and/or aggregate, for personal injury, bodily injury and property damage.

(Ord. #493, passed 01-07-19)

Sec. 7-175_7-185. Reserved.

(Ord. #493, passed 01-07-19)

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ARTICLE III. SEWER AND WATER FACILITIES.

DIVISION 1. IN GENERAL

Sec. 7-186. Fire hydrant; openings.

Sec. 7-187_7-205. Reserved.

DIVISION 2. WATER SERVICE

A. IN GENERAL

Sec. 7-206. Definitions.

Sec. 7-207. Operation of system on public utility rate basis.

Sec. 7-208. Supervision and control of system; permit; inspection.

Sec. 7-209. Users of water outside village.

Sec. 7-210. Penalty for violation of article.

Sec. 7-211. Required use of the public water system.

Sec. 7-212. Application for permit; contents; fees; inspection.

Sec. 7-213_7-230. Reserved.

B. RATES AND CHARGES

Sec. 7-231. Service charges; rate sufficiency.

Sec. 7-232. Basis of charges.

Sec. 7-233. Rates; residential users and businesses.

Sec. 7-234. Special rates; no free service.

Sec. 7-235. Water connection tap fee.

Sec. 7-236. Benefit charge.

Sec. 7-237_7-260. Reserved.

C. BILLING AND COLLECTION PROCEDURES

Sec. 7-261. In General.

Sec. 7-262. Unpaid charges; lien; discontinuing service.

Sec. 7-263. Termination of service for failure to pay charges.

Sec. 7-264_7-280. Reserved.

D. ACCOUNTING PROCEDURES

Sec. 7-281. Fiscal year.

Sec. 7-282. Funds.

Sec. 7-283. Transfer of monies.

Sec. 7-284. Investments.

Sec. 7-285. Annual audit; adjustments in charges.

Sec. 7-286_7-300. Reserved.

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DIVISION 3. SEWER SERVICE

A. IN GENERAL

- Sec. 7-301. Definitions.
- Sec. 7-302. Right of entry; information.
- Sec. 7-303. Safety; liability.
- Sec. 7-304. Notice of violation.
- Sec. 7-305. Penalty for failure to correct violation within allotted time.
- Sec. 7-306. Penalty for illegal discharge of water.
- Sec. 7-307. Liability for village expenses.
- Sec. 7-308. Damage to system.
- Sec. 7-309. Sewage monitoring station.
- Sec. 7-310_7-330. Reserved.

B. REQUIRED USE OF PUBLIC SEWERS

- Sec. 7-311. Depositing wastes on public or private property.
- Sec. 7-312. Polluted discharges.
- Sec. 7-313. Privies; septic tanks.
- Sec. 7-314. Toilet facilities; connection to sewer.
- Sec. 7-315. Industries discharging process flow.
- Sec. 7-316. Required information.
- Sec. 7-317. Monitoring structures.
- Sec. 7-318. Charges.
- Sec. 7-319_7-355. Reserved.

C. PRIVATE SEWAGE DISPOSAL

- Sec. 7-356. Where permitted.
- Sec. 7-357. Permit required; application.
- Sec. 7-358. Inspection.
- Sec. 7-359. Public sewer availability.
- Sec. 7-360. Operation and maintenance.
- Sec. 7-361. Additional requirements.
- Sec. 7-362_7-375. Reserved.

D. BUILDING SEWERS AND CONNECTIONS

- Sec. 7-376. Permit.
- Sec. 7-377. Costs; indemnification.
- Sec. 7-378. Separate sewer for every building; exception.
- Sec. 7-379. Old building sewers.
- Sec. 7-380. Applicable requirements and specifications.

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- Sec. 7-381. Elevation.
- Sec. 7-382. Connection of unpolluted water.
- Sec. 7-383. Connection to public sewer.
- Sec. 7-384. Inspection and connection.
- Sec. 7-385. Excavations.
- Sec. 7-386_7-400. Reserved.

E. DESIGN AND CONSTRUCTION REQUIREMENTS FOR SEWAGE COLLECTION SYSTEMS

- Sec. 7-401. Generally.
- Sec. 7-402. Design flows.
- Sec. 7-403. Public sewers.
- Sec. 7-404. Manholes.
- Sec. 7-405. Pumping systems.
- Sec. 7-406. Force mains.
- Sec. 7-407. Testing.
- Sec. 7-408. Plans.
- Sec. 7-409. Existing systems.
- Sec. 7-410_7-425. Reserved.

F. USE OF THE PUBLIC SEWERS

- Sec. 7-426. Unpolluted discharges to sanitary sewers.
- Sec. 7-427. Unpolluted discharges; where allowed.
- Sec. 7-428. Prohibited discharges.
- Sec. 7-429. Options in handling hazardous discharges.
- Sec. 7-430. Interceptors.
- Sec. 7-431. Maintenance of pretreatment facilities.
- Sec. 7-432. Control manhole.
- Sec. 7-433. Measurements, tests and analyses.
- Sec. 7-434. Special agreements.
- Sec. 7-435_7-455. Reserved.

G. SEWER RATES AND CHARGES

DIV. 1. - IN GENERAL

- Sec. 7-456. Definitions.
- Sec. 7-457. Operation of system on public utility rate basis.
- Sec. 7-458. Supervision and control of system.
- Sec. 7-459. User charges.
- Sec. 7-460. User classes.
- Sec. 7-461. Sewage originating outside village.

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Sec. 7-462. Use of property tax revenues and assessments.
Sec. 7-463_7-475. Reserved.

DIV. 2. - RATE STRUCTURE

Sec. 7-476. Service charges; rate sufficiency.
Sec. 7-477. Methods of determining sanitary sewage flow.
Sec. 7-478. Rates.
Sec. 7-479. Surveillance of sewage discharges.
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Sec. 7-481. Permit required.
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Sec. 7-501. Generally.
Sec. 7-502. Water not reaching sanitary sewer.
Sec. 7-503. Lien.
Sec. 7-504. Termination of service for failure to pay charges.
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Sec. 7-521. Fiscal year.
Sec. 7-522. Funds.
Sec. 7-523. Transfer of moneys.
Sec. 7-524. Investments.
Sec. 7-525. Annual audit; adjustments in charges.
Sec. 7-526_7-540. Reserved.

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ARTICLE III. SEWER AND WATER FACILITIES.

DIVISION 1. IN GENERAL

Sec. 7-186. Fire hydrant; openings.

Sec. 7-187_7-205. Reserved.

Sec. 7-186. Fire hydrant; openings.

- a. No person, except authorized village officers and employees, shall use any fire hydrant except in case of emergency, without first securing permission from the department of public works for such use, and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation village hydrant wrench.

(Ord. #493, passed 01-07-19)

Sec. 7-187_7-205. Reserved

(Ord. #493, passed 01-07-19)

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DIVISION 2. WATER SERVICE

A. IN GENERAL

Sec. 7-206. Definitions.

Sec. 7-207. Operation of system on public utility rate basis.

Sec. 7-208. Supervision and control of system; permit; inspection.

Sec. 7-209. Users of water outside village.

Sec. 7-210. Penalty for violation of article.

Sec. 7-211. Required use of the public water system.

Sec. 7-212. Application for permit; contents; fees; inspection.

Sec. 7-213_7-230. Reserved.

Sec. 7-206. Definitions.

a. Words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- Building service lead: the water service line leading from the curb stop into the building being served, excluding the water meter.
- Establishment:
 - Each lot, parcel of land or building having a connection to the municipal water system, or is eligible for such a connection.
 - Each residence is a separate establishment, regardless of whether it is in a connected structure, such as duplex, flat or apartment.
 - Each lot in a mobile home park, where permanent trailers are stationed, is an establishment. Transient lots are not separate establishments for the purpose of this article.
 - A group of cabins or motel rooms operated as a transient facility is a single establishment. Should the use of a single cabin or group of cabins change to permanent residential, then each such residence will become a separate establishment. A combination of transient cabins and a residence which is used by the manager or owner constitutes two establishments. For the purpose of this article, any unit rented on a daily or weekly basis is a transient facility.
 - Each individual business, which receives water service within its occupied space, is a separate establishment even though it might be housed along with one or more other business in a single structure with a common landlord.

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- Combinations of any of the above are each a separate establishment.
- Establishment, New:
 - Any new structure, building, dwelling unit on a parcel of property that was formerly vacant.
 - Any reconstruction, repair, replacement or remodeling of an existing establishment to an extent of 50 percent of its cubic content or 50 percent of its assessed valuation.
 - Any new mobile home on an existing mobile home lot or any transfer of ownership of an existing mobile home.

(Ord. #493, passed 01-07-19)

Sec. 7-207. Operation of system on public utility rate basis.

- a. It is determined to be desirable and necessary for the public health, safety and welfare of the village that the Antrim County Water System No. 1 (Elk Rapids) is operated by such village on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.), as amended.

(Ord. #493, passed 01-07-19)

Sec. 7-208. Supervision and control of system. permit; inspection.

- a. The operation, maintenance, alteration, repair and management of the water system shall be under the supervision and control of the village. The village may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the water system; and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the water system.
- b. The village shall set the rates and charges by resolution of Council (adopted Ord. 452) for the use of the water system unless otherwise provided pursuant to such contract.

(Ord. #493, passed 01-07-19)

Sec. 7-209. Users of water outside village.

- a. The transportation cost for water supply to areas outside the village will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual cost of the service and to recover the capital investment made by the village on that portion of the water system utilized by such users.

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- b. Water users outside the village limits will be required to pay a system administration fee to cover that portion of the water system cost not covered in the system's annual budget. This extra use fee will be 100 percent of this standard rate.

(Ord. #493, passed 01-07-19)

Sec. 7-210. Penalty for violation of article.

- a. Any person who shall violate any sections of this article shall be guilty of a misdemeanor.

(Ord. #493, passed 01-07-19)

Sec. 7-211. Required use of the public water system.

- a. Connection to system. 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 a public water main of the village, is hereby required to be attached to such water main, or at his expense to install suitable plumbing facilities therein, and to connect such facilities directly with the proper public water main in accordance with the provisions of this article, within 93 days after the date of written notice by the village to do so, provided that such public water main is within 200 feet of the property line.
- b. Cross connections. Except as provided in this article, it shall be unlawful for any individual, firm, partnership, business, corporation, and any other association of individuals of whatever nature, to make or maintain or allow to be made or maintained upon property owned by such individuals, firm, partnership, business, corporation, or other association of individuals, a cross connection between the public water supply system and a secondary private water supply system.
- c. Wells. A property owner may construct a non-potable water well on any lot within the village for uses other than those listed in this section, as long as the well meets the requirements of the village, the county health department and the state health department. An authorization for the installation of the well shall be approved and issued by the DPW Superintendent. This authorization must be presented to the Antrim County Health Department to obtain a permit to install the well. All properties where dual sources of water are available will be subject to periodic inspections by village personnel, in accordance with the responsibilities of the village to protect the public water supply.
- d. System maintenance. A property owner shall be responsible for all maintenance related to the building service lead. The Village reserves the right to enter the building to inspect the water meter and connections to assure that they are functioning properly. The property owner will be responsible for replacement or repair cost of the water meter.

(Ord. #493, passed 01-07-19)

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Sec. 7-212. Application for permit; contents; fees; inspection.

- a. Any owner or owner's agent when necessary to make a repair on the water system in the village, shall make application on a special form furnished by the village clerk. The permit application shall be supplemented by any plans, specifications or other information considered pertinent to the repair of the water system.
- b. A permit fee shall be paid to the village clerk at the time the application is filed. Such fee shall be per council resolution and may be changed from time to time as may be necessary to produce sufficient amounts. All repairs on the water system in the village shall be inspected by the Superintendent, Department of Public Works or authorized representative.
- c. In accordance with the Michigan Department of Environmental Quality Lead and Copper Rule, if any portion of the pipe between the shut off and the water meter is not copper or approved plastic materials, the entire line shall be replaced with copper or approved plastic materials when repairs are made to the pipe.

(Ord. #493, passed 01-07-19)

Secs. 7-213_7-230. Reserved.

(Ord. #493, passed 01-07-19)

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B. RATES AND CHARGES

- Sec. 7-231. Service charges; rate sufficiency.
- Sec. 7-232. Basis of charges.
- Sec. 7-233. Rates; residential users and businesses.
- Sec. 7-234. Water connection tap fee.
- Sec. 7-235. Benefit charge.
- Sec. 7-236. Schedule of residential equivalents
- Sec. 7-237_5-260. Reserved.

Sec. 7-231. Service charges; rate sufficiency.

- a. It is declared necessary for the protection of the health, welfare and convenience of the citizens of the village, to levy and collect service charges upon premises served by the municipal water system. The proceeds of such charges are to be used for the benefit and maintenance of the system, for the retirement of bond indebtedness incurred therefor, for operation and maintenance, and for the construction of replacement water facilities.
- b. The rates hereby adopted by resolution of Council (adopted ord. 452) are estimated to be sufficient to provide for the payment of the system's expenses and may be revised as necessary to provide sufficient funding for water services.

(Ord. #493, passed 01-07-19)

Sec. 7-232. Basis of charges.

- a. A properly installed water meter, approved by the village, shall be used to determine the amount of water consumed for all establishments.
- b. Any new establishment shall, at the time of connection to the municipal water system, may install a separate water meter for each individual dwelling unit, or, at the village council's discretion on recommendation of the Superintendent, Department of Public Works, install a master meter for the new and enter into a contract with the village for water service. The contract shall specify the number of units or establishments, and there shall be a provision for lien against the whole of the real property in the event of non-payment of the water service charges.

The fees to be charged to the establishment for connection to the municipal water system and for the meters and costs of installation shall be as prescribed in Sec. 5-234.

- c. Existing establishments shall not be required to install water meters if it is determined by the Superintendent, Department of Public Works, to be impracticable, or would cause undue economic hardship.

(Ord. #493, passed 01-07-19)

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Sec. 7-233. Rates; residential users and businesses.

- a. The following charges and fees shall be established by resolution of council and may be amended from time to time as may be necessary to produce sufficient amounts:
 - Minimum monthly Operation and Maintenance charge to each establishment
 - Usage fees per 1,000 gallons.
 - Flat fee per month per establishment for the funding of water capital expenditures.
- b. Special rates for miscellaneous or special services for which a rate has not been established shall be determined by the village council. No free service shall be furnished by such system for any establishment, person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. #493, passed 01-07-19)

Sec. 7-234. Water connection tap fee.

- a. A water connection tap fee shall be charged to each establishment where the village provides labor, equipment, or materials to make a connection to the water main and/or to furnish or install a water meter. The cost for village participation in constructing the water service from the public water main fronting the property and connecting the service to the building water system shall be per council resolution and may be changed from time to time as may be necessary to produce sufficient amounts. The water connection fee shall be due and payable when the application for the building water permit is submitted.
- b. The applicant's contractor is responsible for excavating the area in which the tap is to be located, as well as providing a village-approved line to the tap location, and is responsible for complete restoration of the premises.
- c. The village shall provide the material and labor necessary to complete the tap from the public water line to the applicant's service lead, as well as any necessary inspection at the tap site.

(Ord. #493, passed 01-07-19)

Sec. 7-235. Benefit charge.

- a. A benefit (charge) shall be assessed on new construction and re-occupied existing construction within the village when the property owner or occupant connects to the water system. The purpose and rate structure for the benefit charge are set forth as follows:
 1. The benefit charge shall provide for the recovery of the principal and interest charges

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expended to date by the present users of the water system required and used by the new or reoccupied construction.

2. The benefit charge shall commence as of May 18, 1992. All new or reoccupied establishments after that date shall be subject to the benefit charge.
3. For the privilege of connecting to the water system and receiving service therefrom, there shall be paid on behalf of each single-family residence, or the residential equivalent. The following charges to be paid at the time of application for the building water permit or reconnection of an existing service:

Residential Benefit Charge:

- a. Each residential unit, or residential equivalent, shall pay a benefit charge (initial period only, to be increased as provided hereafter) as follows:\$330.00;
- b. As of March 1, 1993, the above benefit charge set forth in subsection 3.a. of this section will be increased to \$395.00 and such charge shall thereafter be increased annually on the anniversary date of such first increase by \$65.00 per year, until such charge shall amount to \$1,300.00 , after which time the council shall by resolution set benefit charges as may be necessary to produce sufficient amounts. The date of application for connection to the system shall be the date upon which the amount of the benefit charge shall be determined.

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Sec. 7-236. Schedule of Residential Equivalents.

**TABLE I
SCHEDULE OF RESIDENTIAL EQUIVALENTS**

USE	SINGLE-FAMILY RESIDENTIAL EQUIVALENT
Accessory Dwelling Unit	0.01 per unit
Apartments	1.0 per unit
Apartments, Senior Housing (limited to those 55 and older)	0.5 per unit
Auto dealers	0.30 per service stall
Banks	0.50 per 1000 square feet
Bar	0.166 per seat
Barber shops	1.0 per shop plus 0.10 per chair
Beauty shops	1.0 per shop plus 0.10 per chair
Car wash	Attendant-operated 12.0 per lane Coin-operated 1.0 per stall
Churches	1.0 plus 0.10 per 1000 sq. ft.
Cleaners	1.5 per 1000 sq. ft., plus 2.0 per press
Clinics, medical or dental	1.0 per doctor
Clothing or shoe stores, men or women's	0.50 per 1000 sq. ft.
Convalescent or nursing homes	0.22 per bed
Drapery shop or fabric retail store	0.50 per 1000 sq. ft.
Drugstore	0.75 per 1000 sq. ft.
Factories, exclusive of industrial waste	0.50 per 1000 sq. ft. plus industrial process waste
Fraternal organizations	1.0 per 1000 sq. ft.
Gift shop	0.75 per 1000 sq. ft.
Grocery store	1.0 per 1000 sq. ft.
Hotels or motels	0.25 per unit plus restaurant, bar and meeting facilities at respective unit factors
Laundry, self service	0.50 per washer
Meat markets or produce markets	2.5 per 1000 sq. ft.
Mobile home park	1.0 per trailer space
Mobile homes 35 feet or less, when located in a licensed trailer park, leased on a year round basis, not over 280 sq. ft. in size and located on a lot that could not accommodate larger sized mobile home	0.50 per unit
Motel units with complete kitchen facilities	0.50 per unit
Office building	0.50 per 1000 sq. ft.
Restaurants, food and beverage	0.125 per seat
Restaurants, food only	0.10 per seat
Schools	0.67 per classroom
Service stations	0.40 per pump
Single-family residence	1.0 per residence
Snack bars, drive-in restaurants	0.10 per seat and/or stall
Stores, other than listed	0.50 per 1000 sq. ft.
Theaters, drive-in	0.008 per car space
Two-family residence	1.0 per residence
Warehouse	0.10 per 1000 sq. ft.

(Ord. #493, passed 01-07-19)

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Sec. 7-237_7-260. Reserved.

(Ord. #493, passed 01-07-19)

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C. BILLING AND COLLECTION PROCEDURES

Sec. 7-261. In General.

Sec. 7-262. Unpaid charges; lien.

Sec. 7-263. Termination of service.

Sec. 7-264_7-280. Reserved.

Sec. 7-261. In General.

- a. Charges for all water service shall be billed and collected monthly or quarterly. All water meters shall be read at least every third month and bills rendered on the first of the month following the meter reading, which bills shall be immediately due and payable and may be paid without penalty up to and including the 20th of the month, when rendered, and shall thereafter be subject to a five percent penalty.

(Ord. #493, passed 01-07-19)

Sec. 7-262. Unpaid charges; lien.

- a. Unpaid charges for water service, which, under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121), as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien. The village treasurer shall, annually, on April 1, certify all unpaid charges for such services furnished to any premises which, on March 31 preceding, have remained unpaid for a period of six months, to the village assessor who shall place the same on the next tax roll of the village. Such charges, so assessed, shall be collected in the same manner as general village taxes.
- b. In a case when a tenant is responsible for the payment of the charges and the village is so notified in writing, the notice shall include a copy of the lease of the affected premises, if there is one, and then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the village shall render no further service to the premises until a cash deposit in a sum in the amount set by resolution of the council is made as security for the payment of the charges.
- c. In any other case where, in the discretion of the village clerk, the collection of charges for water or sewage disposal service may be difficult or uncertain, the clerk may require a similar deposit. Such deposits may be applied against any delinquent water service charges, and the application of such deposit shall not affect the right of the village to turn off the water service to any premises for any delinquency thereby satisfied. No such deposit shall bear interest, and such deposit, or any remaining balance, shall be returned to the customer making the deposit when he shall discontinue receiving water service or, any eight successive quarterly bills shall have been paid by such customer with no delinquency.

(Ord. #493, passed 01-07-19)

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Sec. 7-263. Termination of service.

- a. In addition to the lien provided for in Sec. 5-262 above, when any person shall fail or refuse to pay to the village any sums due for water service, or charges in connection therewith, for a period of 30 days from the due date, the village may shut off or discontinue any services as provided in sub-section (b) of this section, and suit may be instituted by the village for the collection of such sums in any court of competent jurisdiction. No services shall again be rendered to the premises involved until the indebtedness is paid in full, together with all costs in connection therewith.
- b. The shut-off or discontinuation of water service shall be preceded by a Termination of Service Notice, which shall be sent by certified return receipt mail to the property owner of record. Such notice shall inform said property owner of record that failure to pay the past due amount, including any penalties, within seven days will result in termination of service. This notice will also note that said property owner of record may request a hearing before the village manager prior to any termination of service.
- c. If payment is not received or satisfactory arrangements have not been made within seven days after the termination of service notice is mailed to the property owner of record, the supply of water shall be discontinued. Water service that has been discontinued for non-payment of water and sewage disposal charges shall not be restored until all past due bills, turn-on charge, and/or deposit as specified by council resolution have been paid.

(Ord. #493, passed 01-07-19)

Sec. 7-264_7-280. Reserved.

(Ord. #493, passed 01-07-19)

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D. ACCOUNTING PROCEDURES

Sec. 7-281. Fiscal year.

Sec. 7-282. Funds.

Sec. 7-283. Transfer of monies.

Sec. 7-284. Investments.

Sec. 7-285. Annual audit; adjustments in charges.

Sec. 7-286_7-300. Reserved.

Sec. 7-281. Fiscal year.

- a. The water system shall be operated on the basis of a fiscal year corresponding with that of the village.

(Ord. #493, passed 01-07-19)

Sec. 7-282. Funds.

- a. Receiving fund. The revenues of the water system shall be set aside as collected and deposited in a separate depository account in a federally secured bank, a bank duly qualified to do business in this state, in an account to be designated "Water System Receiving Fund" (for brevity, referred to as the receiving fund), and such revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times specified in this section.
- b. Operation and maintenance fund. Out of the revenues in the receiving fund, there shall be first set aside quarterly into a depository account designated operation and maintenance fund a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the water system and such current expenses for the maintenance of such system as may be necessary to preserve the system in good repair and working order.
- c. Motor vehicle equipment fund. Out of the revenues of the operation and maintenance fund, there shall be set aside quarterly into a depository interest bearing account designated motor vehicle equipment fund a sum based on the present use of the village's equipment sufficient to replace such equipment when deemed necessary.
- d. Bond retirement fund. There shall next be established and maintained a depository account to be designated bond retirement fund. There shall be deposited in such fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay such contractual obligations when due. Should the revenues of the water system prove insufficient of this purpose, such revenues may be supplemented by any other funds of the village legally available for such purpose.

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- e. Replacement fund. There shall next be established and maintained a depository account designated replacement fund, which shall be used solely for the purpose of making major repairs and replacement of the water system if needed. There shall be set aside into such fund after provision has been made for the operation and maintenance fund and the bond retirement fund such revenues as the village council shall deem necessary for this purpose.
- f. Surplus monies. Monies remaining in the receiving fund at the end of any operating year after full satisfaction of the requirements of the funds listed in this section may, at the option of the village council, be transferred to the bond or replacement funds or used in connection with any other project of the village, reasonably related to purposes of the municipal water system.
- g. Bank accounts. All monies belonging to any of the funds or accounts listed in this section may be kept in one bank account, in which event the monies shall be allocated on the books and records of the village within this single bank account in the manner set forth in this section.

(Ord. #493, passed 01-07-19)

Sec. 7-283. Transfer of monies.

- a. If the monies in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any monies and/or other securities in other funds of the water system, except sums in the bond retirement fund, derived from special assessments or tax levies, shall be transferred to the operation and maintenance fund to the extent of any deficit therein.

(Ord. #493, passed 01-07-19)

Sec. 7-284. Investments.

- a. Money in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.), as amended. If such investments are made, the securities representing the investments shall be kept on deposit with the bank or trust company from which such purchase was made. Income received from such investments shall be credited to the fund from which such investments were made.

(Ord. #493, passed 01-07-19)

Sec. 7-285. Annual audit; adjustments in charges.

- a. An annual audit will be performed on a fiscal year basis (March to March) to determine the actual cost of the water system service. A review of this material by the superintendent

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and the village clerk will establish whether revenue receipts are sufficient to cover costs. If adjustments are necessary in the water use charge, or distribution, as outlined under division 2 of this article or the most recent revisions of such division, they will be established and enacted before April 1 to provide sufficient revenue for the new fiscal year budget.

(Ord. #493, passed 01-07-19)

Sec. 7-286_7-300. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 3. SEWER SERVICE

A. IN GENERAL

Sec. 7-301. Definitions.

Sec. 7-302. Right of entry; information.

Sec. 7-303. Safety; liability.

Sec. 7-304. Notice of violation.

Sec. 7-305. Penalty for failure to correct violation within allotted time.

Sec. 7-306. Penalty for illegal discharge of water.

Sec. 7-307. Liability for village expenses.

Sec. 7-308. Damage to system.

Sec. 7-309. Sewage monitoring station.

Sec. 7-310_7-330. Reserved.

Sec. 7-301. Definitions.

- a. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approval Authority means the Michigan Department of Environmental Quality, or any other State of Michigan entity authorized to implement a pretreatment program approved by the United States Environmental Protection Agency.

Authorized Representative means

1. If the User is a corporation:
 - The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations , and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations ; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village. *Best management practices* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403 .5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs may also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the sewage discharge from plumbing fixtures inside the walls of the building and conveys it to the building sewer. The building drain extends to the public sewer.

Building sewer means the extension from the building drain to the public sewer.

Building sewer maintenance means it shall be the responsibility of the property owner to repair and maintain all building sewers, including the location of the tap at the public sewer.

Categorical industrial user means all nondomestic users subject to categorical pretreatment standards.

Categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with sections 307(b) and (c) of the clean water act, 33 U.S.C. S1317, which apply to a specific category of nondomestic users and which appear in 40 C.F.R. chapter I, subchapter N (1990), parts 405-471.

Combined sewer means a sewer receiving roof drainage, surface runoff and sewage.

Control authority means the publicly owned treatment works operated by the Village

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Department of Public Works or any authorized agent of the Village.

Daily Maximum means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Existing Source means any source of discharge that is not a "New Source."

Footing drain means a buried pipe surrounding the building for the purpose of draining groundwater away from the building footing.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Indirect Discharge means the introduction of pollutants into the POTW from any nondomestic source.

Industrial Pretreatment Program (IPP) means the program, rules and regulations that have been developed by the Village to apply to nondomestic sewer users in compliance with Federal and State requirements.

Industrial wastes mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

Infiltration/inflow means water that enters the sewage collection system through broken or leaky pipes and manholes or through illegal roof or footing drains and catchbasins connected to the sanitary sewer.

Inspector means a person designated by the village to perform inspection work on public utility construction and private construction that affects public utilities.

Interference means discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Village's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances

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Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit means specific discharge limits developed and enforced by the Village upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical Waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New Source means

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

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- a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic user means an industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage.

NPDES permit means the permit required by the National Pollution Discharge Elimination System, established by Federal Act 92-500, to control waste discharges to the surface waters of the nation.

Pass Through means discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Village's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment

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Standard.

Pretreatment Standards means prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Regulatory definitions means the definitions in contained in the Part 23 rules promulgated by the Department of Environmental Quality, R 323.2302, are incorporated in this Ordinance by reference.

Roof drain means a system for collection of precipitation which falls on the building roof and includes roof gutters and downspouts.

Sanitary sewage means the liquid-carried or water-carried wastes from sanitary plumbing facilities and characterized by a composition typical of the wastes emanating from an average residential connection. Groundwater, surface water and stormwater that may be present with the sewage are infiltration and inflow and are not considered sewage.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water, and groundwater are meant to be excluded.

Secondary sewage treatment means a treatment process that removes 85 percent of the BOD and suspended solids entering the sewage treatment facility or produces an effluent that meets the established water quality standard.

Sewage treatment plant means any arrangement of equipment and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Shall is mandatory; *may* is permissive.

Significant Industrial User except as otherwise provided in this ordinance means

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1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
 - Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - Is designated as such by the Village on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The Village may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - The Industrial User, prior to Village's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - The Industrial User annually submits the certification statement required in Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - The Industrial User never discharges any untreated concentrated wastewater.
4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, [the City] may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant non-compliance means when a violation of an industrial user meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by

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any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC {TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH};
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug Load or Slug Discharge. means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions. *Storm drain (storm sewer)* means a sewer which carries stormwater and surface water and drainage, but excludes sewage and most industrial wastes. Unpolluted industrial cooling water is an example of industrial waste acceptable in a storm drain.

Superintendent means the superintendent of sewage works of the village or his authorized assistant, deputy, agent or representative. He shall be licensed as required by the state.

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Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids; and which are removable by standard laboratory filtering techniques.

Tertiary sewage treatment means any treatment process which increases the removal percentage above that defined for secondary treatment or removes an impurity in the sewage not required to be removed under secondary treatment.

User or Industrial User means source of indirect discharge.

Wastewater means liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Water quality standard means the maximum amount of various foreign substances in the water to be discharged into a watercourse.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. #493, passed 01-07-19)

Sec. 7-302. Right of entry; information.

- a. The superintendent and other duly authorized employees of the village or village authorized private contractors and/or consultants, after showing proper credentials and identification, shall be permitted to enter upon all properties in the village for the purpose of inspection, observation, measurement, sampling and testing of sewage flows in accordance with the provisions of this article. Any records, reports or other information obtained pursuant to this chapter, the program or a permit, including any correspondence relating thereto, shall be available to the public. However, any information submitted by a user which the user believes to be entitled to protection as a trade secret pursuant to the Freedom of Information Act should specifically be identified by the user when submitted. If the Village determines that making public of any report or information, or a part thereof, other than effluent data, would divulge methods or processes entitled to protection as trade secrets, the Control Authority will consider such record, report or information, or part thereof, to be confidential, and access shall be limited to authorized officers or employees of Federal or State agencies or the Village. The Village will serve upon the furnisher of such confidential information verbal notice of the intent to disclose such information prior to disclosure.

(Ord. #493, passed 01-07-19)

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Sec. 7-303. Notice of violation.

- a. Any person found to be violating any provision of this article except Sec. 7-308 and Sec. 7-309 may be served by the village with a written Notice of Violation stating the nature of the violation and providing a reasonable time limit for the user to explain the violation and provide a plan for satisfactory correction and future prevention of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. #493, passed 01-07-19)

Sec. 7-304. Enforcement Response Plan.

- a. Enforcement of Violations will follow a succession of escalating responses and remedies:
 1. Consent Orders. The Village may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document.
 2. Show Cause Hearing. The Village may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Village and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
 3. Compliance Orders. When the Village finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Village may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance

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order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

4. Cease and Desist Orders. When the Village finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Village may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - i. Immediately comply with all requirements; and
 - ii. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5. Emergency Suspensions. The Village may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Village may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - i. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Village may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Village may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Village that the period of endangerment has passed, unless the termination proceedings in Section (g) of this ordinance are initiated against the User.
 - ii. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Village prior to the date of any show cause or termination hearing under this ordinance.
 - iii. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

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6. Termination of Discharge. In addition to the provisions of this ordinance, any User who violates the following conditions is subject to discharge termination:
- i. Violation of individual wastewater discharge permit conditions;
 - ii. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - iii. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - iv. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
 - v. Violation of the Pre-treatment Standards in this ordinance. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under this ordinance why the proposed action should not be taken. Exercise of this option by the Village shall not be a bar to, or a prerequisite for, taking any other action against the User.

(Ord. #493, passed 01-07-19)

Sec. 7-305. Administrative Fines.

- a. When the Village finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Village may fine such User in an amount authorized by law but not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- b. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- c. Users desiring to dispute such fines must file a written request for the Village to reconsider the fine along with full payment of the fine amount within fourteen (14) days of being notified of the fine. Where a request has merit, the Village may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Village may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking

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any other action against the User.

(Ord. #493, passed 01-07-19)

Sec. 7-306. Penalty for illegal discharge of water.

- a. Any person found violating Sec. 7-332 shall be charged for the cost of sewage treatment for the volume of water estimated to have illegally entered the sanitary sewer system. The annual penalty for providing this service shall be based on the drainage area and rainfall records.

(Ord. #493, passed 01-07-19)

Sec. 7-307. Liability for village expenses.

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

(Ord. #493, passed 01-07-19)

Sec. 7-308. Damage to system.

- a. No unauthorized 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 municipal sewage works. Any person violating this section shall be subject to immediate arrest under the charge of disorderly conduct.

(Ord. #493, passed 01-07-19)

Sec. 7-309. Sewage monitoring station.

- a. No unauthorized person shall willfully influence the operation of sewage monitoring station connected to the municipal sewage works. Any person violating this section shall be subject to immediate arrest under the charge of fraud.

(Ord. #493, passed 01-07-19)

Sec. 7-310_7-330. Reserved.

(Ord. #493, passed 01-07-19)

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8. REQUIRED USE OF PUBLIC SEWERS

Sec. 7-331. Depositing wastes on public or private property.

Sec. 7-332. Polluted discharges.

Sec. 7-333. Privies; septic tanks.

Sec. 7-334. Toilet facilities; connection to sewer.

Sec. 7-335. Industries discharging process flow.

Sec. 7-336. Required information.

Sec. 7-337. Monitoring structures.

Sec. 7-338. Charges.

Sec. 7-339_7-355. Reserved.

Sec. 7-331. Depositing wastes on public or private property.

- a. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the village, or in any area under the jurisdiction of such village, any human or animal excrement, garbage or other objectionable waste. Nothing in this section shall prohibit the practice of yard composting, provided that it does not create a nuisance.

(Ord. #493, passed 01-07-19)

Sec. 7-332. Polluted discharges.

- a. It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of such village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. #493, passed 01-07-19)

Sec. 7-333. Privies; septic tanks.

- a. Except as provided in division 3 of this article, it shall be unlawful to construct or maintain any privy, privy vault, septic field, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. #493, passed 01-07-19)

Sec. 7-334. Toilet facilities; connection to sewer.

- a. 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 his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public

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sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that such public sewer is within 200 feet of the property line.

(Ord. #493, passed 01-07-19)

Sec. 7-335. Nondomestic users discharging process flow.

- a. Any nondomestic user or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall comply with the provisions of the IPP program implemented by the Village and the specific rules of this Ordinance and any applicable federal or state law, rule or regulation.

(Ord. #493, passed 01-07-19)

Sec. 7-336. Required information.

- a. Any nondomestic user shall file all information required through the Village's IPP program, including a Wastewater User Survey, and all information required as part of a local permit application. In addition, the village may require each person who applies for or receives sewer service, when the nature of the enterprise may create a potential environmental problem, to file the following information:
 1. File a written statement setting 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. Provide a plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or groundwaters noted, described and the waste stream identified.
 3. Sample test and file reports with the superintendent and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the superintendent.
 4. Place waste treatment facilities, process facilities, 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. Provide a report on any raw materials entering the process or support systems, intermediate materials, final products and waste byproducts as those factors may affect waste control.
 6. Maintain records and file reports on the final disposal of specific liquids, solids,

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sludges, oils, radioactive materials, solvents or other wastes.

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 superintendent, subject to approval by the superintendent.
- b. All reports or information submitted pursuant to the Village's IPP program must be signed and certified by the authorized signatory of the permittee. An authorized signatory is:
1. A responsible corporate officer, if the industrial user is a corporation; a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 2. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
 3. A duly authorized representative of the individual designated in (a) or (b) of this definition if (i) the authorization is made in writing by the individual described in (a) or (b) of this definition, and (ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and (iii) the written authorization is submitted to the Control Authority.

(Ord. #493, passed 01-07-19)

Sec. 7-337. Industrial Pretreatment Program (IPP).

- a. The Village has developed an IPP program in order to apply and to enforce the requirements of MCL 324.3109 and sections 307(b) and (c) and 402(b)(8) of the clean water act and any rules or regulations implementing those sections within its service area. As part of this program, the Village is specifically authorized to undertake the following actions pursuant to this Ordinance:
 1. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the publicly owned treatment works by nondomestic users where the contributions do not meet applicable pretreatment standards and requirements of this Ordinance and the IPP program or where the contributions would cause the publicly owned treatment works to violate its national pollutant discharge

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elimination system permit.

2. Require compliance with applicable pretreatment standards and requirements by nondomestic users.
3. Each significant industrial user must obtain a permit to discharge in the system in order to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain the following conditions:
 - i. The duration of the permit, which shall not be more than 5 years.
 - ii. The permit is not transferable without prior notification to the publicly owned treatment works and provision of a copy of the existing permit to the new owner or operator.
 - iii. Establish and require compliance with effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
 - iv. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law.
 - v. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the compliance date beyond applicable federal deadlines.
4. The Village shall develop a compliance schedule - by each nondomestic user for the installation of technology required to meet applicable pretreatment standards and requirements. Any nondomestic user shall submit of all notices and self-monitoring reports that are required by the IPP program and/or are necessary to assess and assure compliance by nondomestic users with pretreatment standards and requirements, including the reports required in Part 23.
5. The Village shall carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by nondomestic users, compliance or noncompliance with applicable pretreatment standards and requirements by nondomestic users. Representatives of the publicly owned treatment works shall be authorized to enter any premises of any nondomestic user in which a discharge source or treatment system is located or in which records are required to be kept under this Ordinance to assure compliance with pretreatment standards.

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(Ord. #493, passed 01-07-19)

Sec. 7-338. Monitoring structures.

- a. Any nondomestic user that plans to discharge a flow of process waste may be required by the village to construct a permanent monitoring structure at the point of discharge to the sanitary sewer, storm sewer or natural watercourse.
- b. The design of the structure shall be approved by the superintendent before installation.
- c. The structure shall be constructed by the industry at their expense.
- d. The monitoring station shall be maintained in good operating condition by the industry at their expense. Any break in the operation of the station will require a written report stating the reason for the stoppage and a schedule of repair.
- e. Adequate access shall be maintained to the monitoring structure at all times to enable the superintendent to collect samples and flow records.

(Ord. #493, passed 01-07-19)

Sec. 7-1339. IPP Compliance and Enforcement.

- a. In conjunction with Sec. 7-303, the Village is authorized to seek injunctive relief for noncompliance by nondomestic users with pretreatment standards and requirements. In addition, the Village shall also have authority to seek or assess civil or criminal penalties as authorized by state law for each violation by nondomestic users of pretreatment standards and requirements. Pretreatment requirements that will be enforced through the remedies specifically include the following:
 1. The duty to allow or carry out inspections, entry, or monitoring activities.
 2. Any rules, regulations, or orders issued by the publicly owned treatment works.
 3. Any requirements set forth in permits issued by the publicly owned treatment works.
 4. Any reporting requirements imposed by the publicly owned treatment works or these rules.
- b. The Village shall have the right, either without notice or after informal (verbal or written) notice to the discharger, to immediately and effectively halt or prevent any discharge of pollutants to the publicly owned treatment works that reasonably appears to present an imminent endangerment to the health or welfare of persons. The Village shall also have authority and procedures, which shall include notice to the affected nondomestic users

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and an opportunity to respond, to halt or prevent any discharge to the publicly owned treatment works which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the publicly owned treatment works.

- c. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the Village's IPP program, including monitoring reports or reports of compliance or noncompliance shall not only be subject to penalties for violation of the permit, including permit revocation, but may also be subject to criminal prosecution.
- d. In accordance with 40 CFR. 403.8(f)(2)(v ii), an industrial user will be published at least one time annually in the largest daily newspaper in the municipality of the POTW when found to be in Significant Noncompliance .

(Ord. #493, passed 01-07-19)

Sec. 7-340. Charges.

- a. Charges for the services of sewage collection and treatment are defined in article IV of this chapter.

(Ord. #493, passed 01-07-19)

Sec. 7-341 7-355. Reserved.

(Ord. #493, passed 01-07-19)

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C. PRIVATE SEWAGE DISPOSAL

- Sec. 62-356. Where permitted.
- Sec. 62-357. Permit required; application.
- Sec. 62-358. Inspection.
- Sec. 62-359. Public sewer availability.
- Sec. 62-360. Operation and maintenance.
- Sec. 62-361. Additional requirements.
- Sec. 7-362_7-375. Reserved.

Sec. 7-356. Where permitted.

- a. Where a public sanitary or combined sewer is not available under the provisions of Sec. 7-334, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

(Ord. #493, passed 01-07-19)

Sec. 7-357. Permit required; application.

- a. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the local health department. The application for such a permit shall be made on a form furnished by the health department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the health department.

(Ord. #493, passed 01-07-19)

Sec. 7-358. Inspection.

- a. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the health department official. He shall be allowed to inspect the work at any stage of construction.

(Ord. #493, passed 01-07-19)

Sec. 7-359. Public sewer availability.

- a. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Sec. 7-734, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned after filling with suitable material.

(Ord. #493, passed 01-07-19)

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Sec. 7-360. Operation and maintenance.

- a. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

(Ord. #493, passed 01-07-19)

Sec. 7-361. Additional requirements.

- b. No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the local health department.

(Ord. #493, passed 01-07-19)

Sec. 7-362 7-375. Reserved.

(Ord. #493, passed 01-07-19)

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D. BUILDING SEWERS AND CONNECTIONS

- Sec. 7-376. Permit.
- Sec. 7-377. Costs; indemnification.
- Sec. 7-378. Separate sewer for every building; exception.
- Sec. 7-379. Old building sewers.
- Sec. 7-380. Applicable requirements and specifications.
- Sec. 7-381. Elevation.
- Sec. 7-382. Connection of unpolluted water.
- Sec. 7-383. Connection to public sewer.
- Sec. 7-384. Inspection and connection.
- Sec. 7-385. Excavations.
- Sec. 7-386_7-400. Reserved.

Sec. 7-376. Permit.

- a. *Required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the village.
- b. *Classes; application; fee.* There shall be two classes of building sewer permits:
 - 1. For residential and commercial service; and
 - 2. For service to establishments producing industrial wastes.
- c. In either case, the owner or his agent shall make application on a special form furnished by the village clerk. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee for a residential, commercial industrial building sewer permit shall be paid to the village clerk at the time the application is filed. The fee for permit and inspection shall be set by council resolution and may be changed as deemed necessary by the council. A permit for connecting to the sewer system may be denied by the village if there is insufficient capacity for transporting or treating the proposed sewage flow in any downstream facilities.

(Ord. #493, passed 01-07-19)

Sec. 7-377. Costs; indemnification.

- a. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. #493, passed 01-07-19)

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Sec. 7-378. Separate sewer for every building; exception.

- a. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. #493, passed 01-07-19)

Sec. 7-379. Old building sewers.

- a. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(Ord. #493, passed 01-07-19)

Sec. 7-380. Applicable requirements and specifications.

- a. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Uniform Building Code and the state plumbing code. Procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 also shall apply.

(Ord. #493, passed 01-07-19)

Sec. 7-381. Elevation.

- a. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement 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 an approved means and discharged to the building sewer.

(Ord. #493, passed 01-07-19)

Sec. 7-382. Connection of unpolluted water.

- a. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. #493, passed 01-07-19)

Sec. 7-383. Connection to public sewer.

- a. The connection of the building sewer into the public sewer shall conform to the

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requirements of the most current adopted technical standards of the village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the superintendent before installation.

- b. Building sewers shall be constructed of:
 - 1. PVC with chemical weld joint or elastomeric gasket joint; or
 - 2. Cast iron with rubber O-Ring joint.
- c. Where rock excavation is required, a six-inch sand or gravel cushion shall be placed around the pipe.
- d. Connections to the village sewers shall be made only where wyes are provided in the line or with approved fittings where no wyes exist. Only long radius elbows shall be used for changing alignment of building sewers. Where different pipe materials are to be joined together, only manufactured adapters made for that purpose shall be used.

(Ord. #493, passed 01-07-19)

Sec. 7-384. Inspection and connection.

- a. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(Ord. #493, passed 01-07-19)

Sec. 7-385. Excavations.

- a. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the superintendent.

(Ord. #493, passed 01-07-19)

Sec. 7-386_7-400. Reserved.

(Ord. #493, passed 01-07-19)

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D. DESIGN AND CONSTRUCTION REQUIREMENTS FOR SEWAGE COLLECTION SYSTEMS

- Sec. 62-401. Generally.
- Sec. 62-402. Design flows.
- Sec. 62-403. Public sewers.
- Sec. 62-404. Manholes.
- Sec. 62-405. Pumping systems.
- Sec. 62-406. Force mains.
- Sec. 62-407. Testing.
- Sec. 62-408. Plans.
- Sec. 62-409. Existing systems.
- Sec. 7-410_7-425. Reserved.

Sec. 7-401. Generally.

- a. All plans for the extension of the public sewer system that require a permit for construction from the state department of environmental quality shall first be approved by the superintendent.
- b. New public sewer systems shall not be placed in service until approved. Approval shall be contingent upon receipt of satisfactory test results and subject to the receipt of as built plans within 90 days. Building drain connections shall not be permitted until the public sewer is accepted by the superintendent.
- c. Any sewer which services two or more separate buildings or dwellings shall be a public sewer, unless the buildings are part of a singly owned industrial complex or a public complex where future division of ownership is not anticipated.
- d. Combined sewer systems may not be permitted.

(Ord. #493, passed 01-07-19)

Sec. 7-402. Design flows.

- a. Sewer systems shall be designed on the basis of an average flow which shall include not less than 75 gallons per capita, per day, and the estimated flow from unusual industrial sources.
- b. Generally, the sewers shall be designed to carry, when running full, not less than the following peak flows:
 - 1. Lateral sewers: 400 percent of average daily flow.

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2. Trunk sewers: 260 percent of average daily flow.
- c. When deviations from the foregoing per capita rates are demonstrated, a description of the procedure used for sewer design shall be included.

(Ord. #493, passed 01-07-19)

Sec. 7-403. Public sewers.

- a. Any generally accepted material for sewers will be given consideration, but the material selected should be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion and similar problems.
- b. Sewer joints and materials shall be designed to eliminate infiltration and to prevent the entrance of roots. All joints shall be of a premium nature.
- c. Based on subsections (a) and (b) of this section, or on other pertinent data, the superintendent may reject any type of sewer pipe or joint in any project whose water is proposed to be processed by the sewage treatment facilities under the control of the village.
- d. A bulkhead shall be installed at each outlet to an existing system, and shall not be removed, until the new sewer system has been accepted by the superintendent.
- e. General design.
 1. Sewers shall be a minimum of eight inches in diameter.
 2. Sewers shall be designed for mean velocities, when flowing full, of not less than two feet per second, based on Kutter's formula using an "n" value of 0.013. Use of other "n" values may be permitted if deemed justifiable on the basis of research or field data presented.
 3. Sewers shall be designed with a uniform slope and direction between manholes.
 4. When a smaller sewer joins a larger one, the invert of the larger sewer shall be lowered at least enough to maintain the 0.8 depth point of both sewers at the same elevation.
 5. Where velocities of greater than 12 feet per second are attained, special provisions may be required to protect against scouring and thrust displacement.
 6. All sewer systems shall be designed so as to limit infiltration to less than 200 gallons per inch of pipe diameter per mile, per day, or as determined by the superintendent.

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7. Sewers shall be sufficiently deep so as to prevent freezing.
8. Sewers shall be properly vented.
9. Sewer pipe strength requirements are to be PVC ASTM D 3035 S DR35 or ductile iron minimum class 52.

(Ord. #493, passed 01-07-19)

Sec.7-404. Manholes.

- a. Manholes shall be installed at the end of each line, at all changes in grade, type of pipe, size, alignment, at all intersections, and at distances not greater than 400 feet.
- b. A standard drop connection shall be provided for a sewer whose invert is at an elevation of 24 inches or more above the manhole invert.
- c. The minimum inside of diameter of manholes shall be 48 inches.
- d. Only solid manhole covers are to be used. Where venting is required, vent pipes shall be installed.
- e. The flow channel through manholes shall be made to conform in shape and slope to that of the sewers.
- f. All manholes shall be watertight. Precast manholes shall have approved joints. Joints shall be wrapped with a bituminous waterproof coating, if required. Manholes of brick or segmented block shall be waterproofed on the exterior with plaster coatings, supplemented by a bituminous waterproof coating, if required.

(Ord. #493, passed 01-07-19)

Sec. 7-405. Pumping systems.

- a. All pumping systems should be equipped with an approved recording totaling flow meter and a set well level indicator.
- b. An emergency power supply for pumping stations may be required and may be accomplished by connection of the station to at least two independent public utility sources, or by provision of in-place internal combustion engine equipment which will generate electrical or mechanical energy, or by the provision of portable pumping equipment.

(Ord. #493, passed 01-07-19)

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Sec. 7-406. Force mains.

- a. At design minimum flow, a cleansing velocity of at least two feet per second shall be maintained.
- b. An automatic air relief valve shall be placed at high points in the force main to prevent air locking.
- c. Force main cleanouts shall be provided at intervals of about 1,000 feet.
- d. A velocity reducing device may be required at the juncture of the force main with the gravity sewer.

(Ord. #493, passed 01-07-19)

Sec. 7-407. Testing.

- a. *Sewer systems.*
 1. Leakage tests shall be specified. This may include appropriate water or low pressure air testing. Test specifications are Uni-Bell's recommended practice for low-pressure air testing of installed sewer pipe, UNI-B-6 or as required by the superintendent.
 2. The use of a television camera for inspection may be required. Tests and/or television inspection shall be witnessed by the superintendent or his authorized representative. Satisfactory results shall be obtained prior to permitting any building sewer connections.
- b. *Pumping systems.* Tests shall be conducted to verify performance curves of each pumping device installed in the system.

(Ord. #493, passed 01-07-19)

Sec. 7-408. Plans.

- a. Five sets of plans shall be submitted to the superintendent for all proposed public sewage collection systems. Plans that are completed to his satisfaction shall be transmitted by the village to the state department of environmental quality for a construction permit.
- b. The following data shall be incorporated in the plans:
 1. A location map indicating the one-quarter section in which the project is located.
 2. When more than one sheet is required for the plan, a small scale overall plan shall be shown.

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3. Each set of plans shall bear the embossed seal of the engineer who is responsible for the plans.
4. Two benchmarks shall be shown on each plan sheet.
5. Existing utilities shall be shown on plan and profile.
6. All existing sewer inverts must be filed measured and shall be so designated on the plan.
7. A profile including inverts, top of casting grades, gradient, length and drop connections shall be shown for each run of sewer or force main.
8. Proposed and existing elevation of curb or road, or ground above the sewer shall be shown on the profile. Where the difference in elevation between the road grade and sewer invert is less than seven feet, basement elevations should be indicated on the plan.
9. The locations of stoppers and bulkheads shall be indicated on the plan.
10. Manholes shall be numbered on plan and profile.
11. An allowable type of pipe, joint and stoppers for public and building sewers shall be indicated on the plans.
12. An easement shall be designated on the plan for each run of public sewer not in the public right-of-way. The minimum easement shall be 20 feet wide, or as required by the superintendent.
13. The following notes shall appear on the plans:
 - All construction and materials shall conform to the village's current standards, specifications and details.
 - No connection receiving stormwater shall be made to sanitary sewers.
 - Infiltration for any section of sewers between manholes shall not exceed Uni-Bell's recommended practice for low-pressure air testing sewer pipe, UNI-8-6.
 - All elevations shall be based on Elk Rapids Datum, USGS.
14. Details of pipe bedding, building sewers, drop connections, bulkheads, manholes, manhole covers, and other appurtenances shall be submitted with the plans.
15. Extension of the village sewer system outside the village limits shall require the

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approval of the applicable township representative or designated official. Such approval shall be submitted prior to final approval.

(Ord. #493, passed 01-07-19)

Sec. 7-409. Existing systems.

a. *Alterations.*

1. *Generally.* No work shall be performed on existing sewer systems which would change the capacity of the system or would result in nonconformity with the regulations of this article, except by written permission of the superintendent.
2. *Manholes.* When it is necessary to excavate adjacent to manholes or similar structures, the excavation shall extend around the entire perimeter, except by permission of the superintendent.

b. *Approval to existing systems as village systems.*

1. Sewer systems not having been previously approved as village sewers may be accepted as village sewers, provided that they meet all general requirements of this subsection.
2. The superintendent shall cause such tests on the sewer as he deems necessary. Television inspection of the system may be required. All costs of performing such tests shall be borne by the owner of the facility.

(Ord. #493, passed 01-07-19)

Secs. 7-410_7-225. Reserved.

(Ord. #493, passed 01-07-19)

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F. USE OF THE PUBLIC SEWERS

- Sec. 7-426. Unpolluted discharges to sanitary sewers.
- Sec. 7-427. Unpolluted discharges; where allowed.
- Sec. 7-428. Prohibited discharges.
- Sec. 7-429. Options in handling hazardous discharges.
- Sec. 7-430. Interceptors.
- Sec. 7-431. Maintenance of pretreatment facilities.
- Sec. 7-432. Control manhole.
- Sec. 7-433. Measurements, tests and analyses.
- Sec. 7-434. Special agreements.
- Sec. 7-435_7-455. Reserved.

Sec. 7-426. Unpolluted discharges to sanitary sewers.

- a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

(Ord. #493, passed 01-07-19)

Sec. 7-427. Unpolluted discharges; where allowed.

- a. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

(Ord. #493, passed 01-07-19)

Sec. 7-428. Prohibited discharges - Local Limits.

- a. Any user may not introduce into any publicly owned treatment works any pollutant that causes pass-through or interference. The control authority shall investigate instances of passthrough or interference and take appropriate enforcement action and inform the responsible nondomestic user of the impact. The general prohibitions of this subrule and the specific prohibitions in subrule (b) of this rule apply to each nondomestic user introducing pollutants into a publicly owned treatment works whether or not the nondomestic user is subject to any other national, state, or local pretreatment standards or requirements.
- b. In addition to the requirements of subrule (1) of this rule, the following substances shall not be introduced into a publicly owned treatment works:
 - 1. Pollutants that create a fire or explosion hazard in the publicly owned treatment works,

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- including waste streams that have a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. 8261.21 (1990).
2. Pollutants that will cause corrosive structural damage to the publicly owned treatment works. Discharges that have a pH lower than 5.0 shall not be discharged, unless the publicly owned treatment works is specifically designed to accommodate the discharges and has been approved by the approval authority.
 3. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the publicly owned treatment works resulting in interference.
 4. Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate or pollutant concentration that will cause interference with the publicly owned treatment works.
 5. Heat that will inhibit biological activity in the publicly owned treatment works resulting in interference, and in no case heat that produces a temperature at the publicly owned treatment works of more than 40 degrees Celsius (104 degrees Fahrenheit), unless the approval authority, at the request of the publicly owned treatment work, approves alternate temperature limits as part of the approved program.
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
 7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the publicly owned treatment works in a quantity that may cause acute worker health or safety problems.
 8. Any trucked or hauled pollutants, except at discharge points designated by the publicly owned treatment works, but only when trucked or hauled in compliance with the state and federal hazardous waste and liquid industrial waste laws.
- c. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subrule (1) of this rule and the specific prohibitions in subrule (2)(c), (d), (e), and (f) of this rule if the user can demonstrate both of the following:
1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference.
 2. A local limit designed to prevent pass-through or interference was developed for each pollutant in the user's discharge that caused pass-through or interference, and the

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user was in compliance with each local limit directly before and during the pass-through or interference , or if a local limit designed to prevent pass-through or interference has not been developed for the pollutant that caused the pass-through or interference, the user's discharge directly before and during the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the publicly owned treatment works was regularly in compliance with its national pollutant discharge elimination system permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

- d. No person shall discharge, into any publicly owned sewage works, wastes which would interfere with the operation or performance of such sewage works or be in violation of the NPDES permit or other state and federal regulations. No nondomestic user shall discharge any wastes or materials not in compliance with a discharge permit issued pursuant to the IPP program. Except as provided in Sec. 62-229 by specific limits, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1.

Component	Local Limit [4] (mg/L)
BOD	343
TSS	240
Fats, Oil and Grease	100
pH	6.5-9.0
Temperature (deg F)	32-104
Ammonia Nitrogen	30
Total Phosphorus	8
Arsenic	0.45
Cadmium	0.24
Chromium	43.51
Copper	1.13
Lead	3.83
Mercury	0.00001
Molybdenum	1784.19
Nickel	5.57
Selenium	1.11
Silver	0.40
Zinc	0.12
Cyanide	0.62

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2. Chlorine demand in excess of 15 mg/l.
 3. A pH less than 6.5 and greater than 9.0 shall not be allowed.
 4. Color as from, but not limited to, dyes, inks and vegetable tanning solutions shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.
 5. Grease, oils, wax, fat, whether emulsified or not, in excess of 100 mg/l; or other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit shall not be admitted to the sanitary sewers.
 6. Any pollutant regulated under the IPP rules and local limits established by the Village through resolution.
 7. Inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.
 8. Insoluble, solid or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshing, etc., shall not be admitted to sanitary sewers.
 9. Noxious or malodorous gas such as, but not limited to, hydrogen sulfide, sulfur dioxide or oxides of nitrogen, and other substances capable of producing a public nuisance shall not be allowed.
 10. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations shall not be allowed.
 11. Wastes at a flow rate and/or pollutant discharge rate which is excessive over a short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.
- e. In addition to the above, the Village may add to or modify the list of prohibited discharges may be modified by Resolution of the Village as needed. Any participant in the IPP program shall be notified of the modification in writing.

(Ord. #493, passed 01-07-19)

Sec. 7-429. Options in handling hazardous discharges.

- a. Any unpermitted discharge or proposed discharge of waters or wastes in the system shall

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be subject to the enforcement response procedure set forth in the Village's IPP program. In addition, if any waters or wastes are discharged, or are proposed to be discharged to the public sewers, containing the substances or possessing the characteristics enumerated in Sec. 62-228, and which in the judgment of the control authority, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes.
 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
 3. Require control over the quantities and rates of discharge.
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, in an amount established by the Village through resolution of the Village Council.
- b. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval of the superintendent and the state authorities and subject to the requirements of all applicable codes, ordinances and laws, including federal pretreatment standards. This provision shall expressly apply to the acceptance of septage, holding tank waste, or pretreated wastewater.

(Ord. #493, passed 01-07-19)

Sec. 7-430. Interceptors.

- a. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. #493, passed 01-07-19)

Sec. 7-431. Maintenance of pretreatment facilities.

- a. Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(Ord. #493, passed 01-07-19)

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Sec. 7-432. Inspection manhole.

- a. When required by the superintendent, the owner of any property serviced by a building sewer carrying wastes regulated under the IPP restrictions shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes, as outlined in Sec. 62-137.

(Ord. #493, passed 01-07-19)

Sec. 7-433. Measurements, tests and analyses.

- a. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the Village's IPP program and all requirements for monitoring and testing in the permit.

(Ord. #493, passed 01-07-19)

Sec. 4-434. Special agreements.

- a. No statement contained in this division shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted pursuant to and consistent with the Village's IPP requirements for treatment, subject to special payment therefor, by the industrial concern if the sewage treatment facility is capable of removing the waste to meet the water quality requirement.

(Ord. #493, passed 01-07-19)

Sec. 7-435_7-455. Reserved.

(Ord. #493, passed 01-07-19)

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G. SEWER RATES AND CHARGES

DIVISION 1. IN GENERAL

Sec. 7-456. Definitions.

Sec. 7-457. Operation of system on public utility rate basis.

Sec. 7-458. Supervision and control of system.

Sec. 7-459. User charges.

Sec. 7-460. User classes.

Sec. 7-461. Sewage originating outside village.

Sec. 7-462. Use of property tax revenues and assessments.

Sec. 7-463_7-475. Reserved.

Sec. 7-456. Definitions.

- a. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building sewer means the extension from the building drain to the public sewer.

Establishment means as follows:

1. Each residence is a separate establishment, regardless of whether it is in a connected structure, such as a duplex, flat or apartment.
2. Each lot in a mobile home park, where permanent trailers are stationed, is an establishment. Transient lots are not separate establishments for the purpose of this article.
3. A group of cabins or motel rooms operated as a transient facility is a single establishment. Should the use of a single cabin or group of cabins change to permanent residential, then each such residence will become a separate establishment.
4. A combination of transient cabins and a residence, which is used by the manager or owner, constitutes two establishments.
5. For the purposes of this article, any unit rented on a daily or weekly basis is a transient facility.

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6. Each individual business is a separate establishment, even though it might be housed along with one or more other businesses in a single structure with a common landlord.
7. Combinations of any of the above are each a separate establishment.

Infiltration/inflow means water that enters the sewage collection works through broken or leaky pipes or manholes or through illegal roof or footing drains and catchbasins.

Public sewer means a sewer that is used or intended for use by the public for the collection and transportation of sewage for treatment or disposal and is owned and operated by a governmental agency.

Sanitary sewer means a sewer which carries sewage and from which stormwater, surface water and groundwater are meant to be excluded.

Sewage (wastewater) means a combination of the water-carried wastes from residences, businesses, institutions and industrial establishments. Groundwater, surface water, and storm water that may be present with the sewage are not sewage and are defined in this section as infiltration and inflow.

Sewage treatment plant means any arrangement of equipment and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by standard laboratory filtering techniques.

(Ord. #493, passed 01-07-19))

Sec. 7-457. Operation of system on public utility rate basis.

- a. It is determined to be desirable and necessary for the public health, safety and welfare of the village that the Antrim County Sewage Disposal System No. 1 (Elk Rapids) is operated by such village on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.), as amended.

(Ord. #493, passed 01-07-19)

Sec. 7-458. Supervision and control of system.

- a. The operation, maintenance, alteration, repair and management of the sewage works shall be under the supervision and control of the village, subject to the terms of the user charge

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system of the U.S. EPA, as amended through the state department of environmental quality. Such village may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the sewage works; and, may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the sewage works. The village shall set the rates and charges for the use of the sewage works unless otherwise provided pursuant to such contract.

(Ord. #493, passed 01-07-19)

Sec. 7-459. User charges.

- a. User charges as established in this article are based on the principle of imposing the cost of sewage treatment directly upon the sources of the sewage. This is to be accomplished by keeping accurate records and reports of sewage works, loadings, treatment results and costs.

(Ord. #493, passed 01-07-19)

Sec. 7-460. User classes.

- a. Users shall be grouped into classes based on the type of sewage discharged to the public sewer. The cost of operating and maintaining sewage works will be established for each user class periodically and will be borne by the users in that class.

(Ord. #493, passed 01-07-19)

Sec. 7-461. Sewage originating outside village.

- a. The transportation of treatment cost for sewage originating outside the village will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual cost of the service and to recover the capital investment made by the village on that portion of the treatment works reserved for such users.

(Ord. #493, passed 01-07-19)

Sec. 7-462. Use of property tax revenues and assessments.

- a. Property tax revenues and assessments will only be used for supporting sewage works costs relating to the construction of new collector sewers and where specifically obligated by the citizens of the village.

(Ord. #493, passed 01-07-19)

Sec. 7-463_7-475. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 2. - RATE STRUCTURE

- Sec. 7-476. Service charges; rate sufficiency.
- Sec. 7-477. Methods of determining sanitary sewage flow.
- Sec. 7-478. Rates.
- Sec. 7-479. Surveillance of sewage discharges.
- Sec. 7-480. Special rates; no free service.
- Sec. 7-481. Permit required.
- Sec. 7-482. Benefit charge.
- Sec. 7-483_7-500. Reserved.

Sec. 7-476. Service charges; rate sufficiency.

- a. It is declared necessary for the protection of the health, welfare and convenience of the citizens of the village to levy and collect service charges upon premises serviced by the sanitary sewage connection system and by the treatment plant controlled by the village. The proceeds of such charges are to be used for the benefit and maintenance of the sanitary sewage collection system and treatment plant, for the retirement of bond indebtedness incurred therefor, for operation and maintenance, and for construction of replacement sewage works facilities. The rates adopted by village ordinance are estimated to be sufficient to provide for the payment of the system's expenses and shall be revised as may be necessary to produce sufficient amounts.

(Ord. #493, passed 01-07-19)

Sec. 7-477. Methods of determining sanitary sewage flow.

- a. To determine the sanitary sewage flow from any nondomestic user, the Village shall use the methods established in the IPP program and contained in the discharge permit for the user. For any user not subject to the IPP requirements, the superintendent may use one of the following methods:
 - 1. The amount of water supplied to the premises by the village, or a private water supply as shown upon the water meter if the premises are metered.
 - 2. If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the superintendent from the water, gas or electrical supply.
 - 3. If such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the system made by the superintendent from the water, gas or electric supply.

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4. The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a monitoring station installed by the owner of the property served by the sewer system at his own expense, in accordance with the rules established in this chapter.
5. An estimate of infiltration and inflow from a premises, based on weir readings or television inspection of the sewer tap.
6. A figure determined by the superintendent by any combination of the foregoing or by any other equitable method.

(Ord. #493, passed 01-07-19)

Sec. 7-478. Rates.

- a. Rates to be charged to each establishment for service furnished by the sewage works shall be as set forth in a resolution adopted by the Village Council.

(Ord. #493, passed 01-07-19)

Sec. 7-479. Surveillance of sewage discharges.

- a. Where surveillance of sewage discharges is required, as outlined in this chapter, to determine the quantity and strength of sewage flows and to ensure compliance with this article, the user shall be billed for the actual additional costs of this surveillance incurred by the village in addition to any applicable surcharge.

(Ord. #493, passed 01-07-19)

Sec. 7-480. Special rates; no free service.

- a. Special rates for miscellaneous or special services for which a rate has not been established shall be determined by the village council. No free service shall be furnished by such system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. #493, passed 01-07-19)

Sec. 7-481. Permit required.

- a. The cost for constructing a building sewer shall be borne by the property owner and shall require a permit before construction can commence. The cost of the permit shall be set by village council resolution. Costs associated with restoring the public property, such as grading, site restoration, gravel material, asphalt, and other paving, shall be the responsibility of the property owner and/or his contractor or, should the village provide the service, reimbursed to the village on a time and materials basis. All restoration shall meet village standards.

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- b. Village specifications under division 4, article III of this chapter shall govern sewer installation projects.
- c. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance of such sewer without first obtaining a written permit from the superintendent. A sewer permit must be obtained from the village office before any work can begin.

(Ord. #493, passed 01-07-19)

Sec. 7-482. Benefit charge.

- a. A benefit charge will be assessed against new construction and reoccupied existing construction within the village when any such property or construction shall be connected to the sewage works or system. The benefit charge, and provisions related thereto, are set forth as follows:
 - 1. The benefit charge shall provide for recovery of the principal and interest charges expended to date by the present users of the sewage works system for that portion of the sewage works systems required by the new user.
 - 2. There shall be paid on behalf of each single-family residential premises using, directly or indirectly, any of the sewer lines comprising the system, in cash, at the time of application for the tap permit, the benefit charge set forth in this section for the privilege of using the facilities and receiving the service of the sewage works system.
 - 3. The benefit charge will commence as of May 18, 1992, and all new or reoccupied establishments after that date will be subject to the benefit charge.
 - i. Residential benefit charge (initial period only; to be increased as provided in this section).
 - ii. In addition to the above benefit charge, the applicant shall also cause to be paid an inspection and tap-in or connection fee at the time a permit is obtained:
 - The applicant's contractor excavates the site of the proposed connection as well as providing the labor necessary to complete the connection from the applicant's property line to the public sewer line, and restores the premises to substantially the same condition as existed prior to excavation. The responsibility of the village is solely to provide material necessary and acceptable to the village to complete the connection and to provide an inspection prior to the restoration of the premises. The connection fee under this option is set by village ordinance\$125.00

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- As of March 1, 1993, the benefit charge in subsection (3)a of this section will be increased to \$595.00 and such charge shall thereafter be increased annually on the anniversary date of such first increase by \$35.00 per year, until such charge shall amount to \$700.00, which shall be the maximum charge.
- iii. Premises other than single-family residences shall pay a benefit charge in the appropriate amount specified by ordinance multiplied by the factors provided for in Table 1 of this section; provided, however, that the minimum charges shall be the amounts set out above for the benefit charges for the applicable time periods.
- iv. Subsequent changes in the character of the use or type of occupancy of any premises (including destruction, removal or abandonment of any and all improvements thereon) shall not abate the obligation to continue the payment of the benefit charge as set forth in this section applicable to such premises in the amount and for the period provided in this section. If such subsequent changes place such premises in a higher ratio-factor category, the village council may, in its sole discretion, increase the number of units assigned to such premises; and thereupon any additional charges occasioned by such increase shall be payable, in cash, at the time a construction permit or other permit is issued by the village for such changes, or at the time such changes occur if no permit is issued or required.
- v. For miscellaneous or special services for which a special rate shall be established, such rate shall be fixed by the village council. Any use, or proposed use, which is not set forth in the attached Table of Residential Equivalents, shall constitute such special or miscellaneous use for which a rate may be established by the village council in its sole discretion. To this end, the council may, as part of the establishment of a special rate, cause the proponent of the use, or proposed use, to pay, in addition to the benefit charges set forth above, an additional amount to cover the cost of an analysis by the village engineer as to the appropriate rate structure for the use, or proposed use. In such circumstances, both the village council and the village engineer will endeavor to establish a reasonable rate equivalent to ensure that all users of the sewer works system are paying substantially proportionate amounts.
- vi. Benefit equivalents. In addition to the special rate for certain benefit charges, as established by the village council, there may arise unique developments within the village whereby the contemplated project may require extension of sewer lines and/or services not within the contemplated sewer works system development within the village. If such a development is proposed, and the developer offers to absorb or otherwise pay for certain extensions of the sewer works system, improvements to the sewer works system, or other enhancements to the system desired by the village council may, at the request of the developer and at council's sole discretion, elect to modify the benefit charges set forth in this section. The procedure to be followed in such circumstances will be substantially in accord with

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that set forth in the preceding subsection calling for analysis and review by both council and the village engineer.

(Ord. #493, passed 01-07-19)

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TABLE I
SCHEDULE OF RESIDENTIAL EQUIVALENTS

USE	SINGLE-FAMILY RESIDENTIAL
Accessory Dwelling Unit	0.01 per unit
Apartments	1.0 per unit
Apartments, Senior Housing (limited to those 55 and older)	0.5 per unit
Auto dealers	0.30 per service stall
Banks	0.50 per 1000 square feet
Bar	0.166 per seat
Barber shops	1.0 per shop plus 0.10 per chair
Beauty shops	1.0 per shop plus 0.10 per chair
Cabin	0.4 per bed
Campground	0.4 per site served by sewer 0.3 per site general service bldg..
Car wash	Attendant-operated 12.0 per lane Coin-operated 1.0 per stall
Churches	1.0 plus 0.10 per 1000 sq. ft.
Cleaners	1.5 per 1000 sq. ft., plus 2.0 per press
Clinics, medical or dental	1.0 per doctor
Clothing or shoe stores, men or women's	0.50 per 1000 sq. ft.
Convalescent or nursing homes	0.22 per bed
Drapery shop or fabric retail store	0.50 per 1000 sq. ft.
Drugstore	0.75 per 1000 sq. ft.
Factories, exclusive of industrial waste	0.50 per 1000 sq. ft. plus industrial process
Fraternal organizations	1.0 per 1000 sq. ft.
Gift shop	0.75 per 1000 sq. ft.
Grocery store	1.0 per 1000 sq. ft.
Hotels or motels	0.25 per unit plus restaurant, bar and meeting facilities at respective unit factors
Laundry, self service	0.50 per washer
Meat markets or produce markets	2.5 per 1000 sq. ft.
Mobile home park	2.0 per trailer space
Mobile homes 35 feet or less, when located in a licensed trailer park, leased on a year round basis, not over 280 sq. ft. in size and located on a lot that could	0.50 per unit
Motel units with complete kitchen facilities	0.50 per unit
Office building	0.50 per 1000 sq. ft.
Restaurants, food and beverage	0.125 per seat
Restaurants, food only	0.10 per seat

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TABLE I
SCHEDULE OF RESIDENTIAL EQUIVALENTS (cont.)

Schools	0.67 per classroom
Service stations	0.40 per pump
Single-family residence	2.0 per residence
Snack bars, drive-in restaurants	0.10 per seat and/or stall
Stores, other than listed	0.50 per 1000 sq. ft.
Theaters, drive-in	0.008 per car space
Two-family residence	1.0 per residence
Warehouse	0.10 per 1000 sq. ft.

Sec. 7-483_7-500. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 3. - BILLING AND COLLECTION PROCEDURES

Sec. 7-501. Generally.

Sec. 7-502. Water not reaching sanitary sewer.

Sec. 7-503. Lien.

Sec. 7-504. Termination of service for failure to pay charges.

Sec. 7-505_7-520. Reserved.

Sec. 7-501. Generally.

- a. Charges for all sewer service shall be billed and collected monthly or quarterly without penalty within the 20th day of the month. Payments received after such period shall bear a penalty of five percent of the amount of the bill.

(Ord. #493, passed 01-07-19)

Sec. 7-502. Water not reaching sanitary sewer.

- a. The village shall not honor deductions from any consumer's sewer use account for water consumed which does not reach the sanitary sewer unless such water is taken from a separate metered connection with the water supply main or the building sewer is monitored. The expense of the meter connection shall be borne by the consumer in the same manner as are other water supply connections.

(Ord. #493, passed 01-07-19)

Sec. 7-503. Lien.

- a. The charges for sewer services made a lien on all premises served thereby are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the village official in charge of the collection of such charges shall certify annually on April 1 of each year, to the tax assessing officer of the village, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises, and shall be collected and the lien enforced in the same manner as general village taxes against such premises are collected and the lien enforced.
- b. In a case when a tenant is responsible for the payment of the charges, and the village is so notified in writing, the notice shall include a copy of the lease of the affected premises, if there is one, and then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the village shall render no further service to the premises until a cash deposit in a sum in the amount set by resolution of the council is made as security for the payment of the charges.

(Ord. #493, passed 01-07-19)

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Sec. 7-504. Termination of service for failure to pay charges.

- a. In addition to the lien provided for in this division, when any person shall fail or refuse to pay to the village any sums due for sewer service, or charges in connection therewith, for a period of 90 days from the due date, the village may shut off or discontinue any services as provided in subsection (b) of this section, and suit may be instituted by the village for the collection of such sums in any court of competent jurisdiction. No services shall again be rendered to the premises involved until the indebtedness is paid in full, together with all costs in connection therewith.
- b. Sewer service shutoff shall be preceded by a termination of service notice, which shall be sent by first class mail and shall inform the user that failure to pay the past due amount, including any penalties, within seven days will result in termination of service. This notice will also inform the user that the user may request a hearing before the village manager prior to any termination of service.
- c. If payment is not received or satisfactory arrangements have not been made within seven days after the termination of service notice is mailed to the user, the supply of water shall be discontinued. No sewer service that has been discontinued for nonpayment of sewage disposal charges shall be restored until all past due bills and a turn-on charge, to be specified by the village council, are paid or satisfactory arrangements for such payment are made.
- d. No further service shall be rendered the owner of such premises until a cash deposit in the amount of \$100.00 shall have been made as security for payment of future charges and services.

(Ord. #493, passed 01-07-19)

Sec. 7-505_7-520. Reserved.

(Ord. #493, passed 01-07-19)

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DIVISION 4. - ACCOUNTING PROCEDURES

Sec. 7-521. Fiscal year.

Sec. 7-522. Funds.

Sec. 7-523. Transfer of moneys.

Sec. 7-524. Investments.

Sec. 7-525. Annual audit; adjustments in charges.

Sec. 7-526_7-540. Reserved.

Sec. 7-521. Fiscal year.

- a. The sewage works shall be operated on the basis of a fiscal year corresponding with that of the village.

(Ord. #493, passed 01-07-19)

Sec. 7-522. Funds.

- a. *Receiving fund.* The revenues of the sewage works shall be set aside as collected and deposited in a separate depository account in a federally secured bank duly qualified to do business in this state, in an account to be designated "Sewage Works Receiving Fund" (for brevity, referred to as the receiving fund) and such revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times specified in this section.
- b. *Operation and maintenance fund.* Out of the revenues in the receiving fund, there shall be first set aside quarterly into a depository account designated operation and maintenance fund a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the sewage works and such current expenses for the maintenance of such works as may be necessary to preserve the sewage works in good repair and working order.
- c. *Replacement fund.* The funds set aside into the replacement fund will be determined by the user charge system.
- d. *Surplus moneys.* Moneys remaining in the receiving fund at the end of any operating year after full satisfaction of the requirements of the operation, maintenance and replacement (OM&R) of the waste system should remain in the operation and maintenance fund to be used for the same purpose.
- e. *Bank accounts.* All moneys belonging to any of the funds or accounts described in this section, except the ICR fund, may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the village within this single bank account in the manner set forth in this section.

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(Ord. #493, passed 01-07-19)

Sec. 7-23. Transfer of moneys.

- a. If the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the sewage works, except sums in the bond retirement fund derived from special assessments or tax levies, shall be transferred to the operation and maintenance fund to the extent of any deficit therein.

(Ord. #493, passed 01-07-19)

Sec. 7-524. Investments.

- a. Moneys in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.), as amended. If such investments are made, the securities representing the investments shall be kept on deposit with the bank or trust company having on deposit the fund from which such purchase was made. Income received from such investments shall be credited to the fund from which such investments were made.

(Ord. #493, passed 01-07-19)

Sec. 7-525. Annual audit; adjustments in charges.

- a. An annual audit will be performed on a fiscal year basis (March to March) to determine the actual cost of sewage collection and treatment services. A review of this material by the superintendent, village manager and the village clerk will establish whether revenue receipts are sufficient to cover costs, and also whether the distribution of user charges is equitable for each classification of user.
- b. If adjustments are necessary in the sewer use charges, or distribution, as outlined under division 2, article IV of this chapter, or the most recent revisions of such division, they will be established and enacted before April 1 to provide sufficient revenue for the new fiscal year budget.

(Ord. #493, passed 01-07-19)

Sec. 7-526_7-540. Reserved.

(Ord. #493, passed 01-07-19)