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CHAPTER 50: GARBAGE

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VILLAGE COLLECTION SERVICE

§ 50.01 ESTABLISHMENT.

There shall be a Village Garbage, Trash and Recyclables Collection Service for the residents of the village. The village is hereby authorized to appropriate such monies and employ or contract with such persons as may be reasonably necessary to carry out the terms and provisions of this subchapter.

(Ord. 103, passed 12-12-1990)

§ 50.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Discarded animal and vegetable matter of any form or nature, any or all other organic matter associated with or produced by food, cooking or eating, other than sewage and yard waste.

HAZARDOUS WASTE. Hazardous waste shall be defined pursuant to state and federal law.

LICENSEE. Those collectors and haulers duly licensed by the village to pick up, collect and transport garbage, trash and recyclables.

RECYCLABLES or RECYCLABLE MATERIALS. Materials which have been used once, in manufacturing or indirect consumption, that can be used to manufacture new products. ***RECYCLABLES*** include but are not limited to: aluminum; corrugated paper; cardboard; glass; HDPE plastic; magazine paper; metals; newsprint; polystyrene; PET plastic; and rubber.

TRASH or RUBBISH. Anything not recyclable; materials or substances discharged or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage, highly diluted water-carried materials, hazardous waste, batteries, oil, tires and yard waste.

YARD WASTE. Organic materials such as leaves, branches and grass.

(Ord. 103, passed 12-12-1990)

§ 50.03 LICENSE REQUIRED.

No person shall solicit for funds for, collect funds, aid in collection, conspire to collect or collect any garbage, trash, ashes, rubbish and recyclables within the village for disposal unless and until he or she has been duly licensed by the village. There shall be a maximum of one license issued for residential garbage, trash and recyclables pickup and a maximum of five licenses issued for commercial pickup.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

§ 50.04 LICENSE APPLICATION.

(A) All applications for licenses to pick up, collect and transport garbage, trash and recyclables shall be made to the Village Clerk. Applicants shall state their name, address, type of license desired, description of equipment to be used and location of disposal area for garbage and trash; and types of recyclables to be picked up by applicant. All applications for licenses shall be referred by the Village Clerk to the Village Council, who in conjunction with the Chief of Police, shall cause an investigation to be made and make recommendations to the Village Council as to the granting or rejecting of the license for each applicant. The Village Council shall consider the recommendations of the Chief of Police and shall approve or reject the granting of all licenses under this subchapter.

(B) Applications for licenses may be rejected by the Village Council, or licenses already granted may be revoked by the Village Council for the following reasons:

- (1) Improper, unsanitary or lack of equipment, conveyances or vehicles used to transport the garbage, trash and recyclables;
- (2) Unsatisfactory or unsanitary disposal areas; or
- (3) Inability or failure to comply with this subchapter or the terms and provisions of rules and regulations relating to garbage, trash and recyclables pickup and disposal as as may be adopted from time to time by the village.

(Ord. 103, passed 12-12-1990)

§ 50.05 RESIDENTIAL COLLECTION LICENSE.

As provided in § 50.03 above, there shall be only one license issued for residential garbage, trash and recyclables collection. The Village Council shall accept bids to provide residential collection service meeting the terms of this subchapter. The residential license shall be awarded to the successful bidder with whom the village shall enter into a contract providing for such collection. The contract for collection shall not exceed 30 years. The village shall require the successful bidder to provide adequate proof of insurance and may require the posting of an adequate performance bond.

(Ord. 103, passed 12-12-1990)

§ 50.06 EQUIPMENT.

No license shall be granted by the Village Council to any applicant unless the conveyance or vehicle to be used by the applicant to pick up and transport any garbage, trash and recyclables shall have a leak proof box to properly contain and hold the garbage, trash and recyclables. All conveyances or vehicles used to transport garbage, trash and recyclables shall be equipped with tailgates.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

§ 50.07 VEHICLES TO BE COVERED.

Applicants and licenses shall be required to have their vehicles or conveyances equipped with coverings, permanent or temporary, so as to prevent garbage, trash and recyclables from blowing or falling off the conveyance while being transported.

(Ord. 103, passed 12-12-1990)

§ 50.08 FEES.

(A) *Application fees.* Applicants shall pay to the Village Clerk with such applications such fees as shall be determined by the Village Council.

(B) *Service fees.* Residential and commercial users shall pay such fees as shall be determined by the Village Council on an annual basis.

(Ord. 103, passed 12-12-1990)

§ 50.09 ADDITIONAL REQUIREMENTS FOR GARBAGE LICENSES.

In addition to the qualifications and requirements stated elsewhere in this subchapter, all licensees shall be required to meet the following additional requirements.

(A) All licensees shall be required to transport garbage, trash and recyclables in a motor vehicle.

(B) All licensees shall be required to have said motor vehicle or vehicles equipped with a leak-proof box or container to hold and contain all materials collected.

(C) All licensees shall be required to operate and maintain equipment and facilities in a manner such as not to constitute a nuisance.

(D) All licensees shall be required to keep said motor vehicle or vehicles in a clean and sanitary condition by washing same after each day of collection by means of a pressure hose. All vehicles used in the collection of garbage and trash shall be repainted at least once each year.

(E) Each vehicle licensed to haul garbage, trash and recyclables in the village shall display in plain view the village license number with decals not less than four inches in height.

(F) All licensees shall be required to prepare and file with the Village Clerk before picking up and transporting any garbage, trash and recyclables, a collection and route schedule listing dates and times garbage, trash and recyclables will be collected and routes to be covered on said dates. Such schedules as filed shall be adhered to by each licensee.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

§ 50.10 RATE PAYMENT.

Every household within the village shall annually pay the Village Clerk in advance for collection service. The collection service fee shall be added to the household tax bill and collected with such bill.

(Ord. 103, passed 12-12-1990; Ord. 104, passed 1-9-1991; Ord. 114, passed 4-14-1993)

§ 50.11 APPLICATION FOR NEW SERVICE.

Every household within the village shall make proper application with the Village Clerk for new service.

(Ord. 103, passed 12-12-1990; Ord. 104, passed 1-9-1991; Ord. 114, passed 4-14-1993)

§ 50.12 DISCONTINUING SERVICE.

Every household which must discontinue service because of relocation or absence shall notify the Village Clerk 15 days in advance of discontinuation of service, but shall not be entitled to a refund of the unearned service fees paid.

(Ord. 103, passed 12-12-1990; Ord. 114, passed 4-14-1993)

§ 50.13 CONSTRUCTION, PLACEMENT OF CONTAINERS.

(A) The customer shall place the containers of garbage and trash at the curb front of the premises or at the edge of the street on a day designated for said pickup by the collector and at a said time designated for the arrival of the collector. After the containers have been emptied by the collector the customer shall promptly remove said containers from the street. Any person who, because of physical disability, age or infirmity, is unable to place containers at the curb or street may make special arrangements directly with the collector for the movement of such containers.

(B) All containers furnished by the customer as containers for bags of garbage and trash, and as containers for separated recyclables shall be of substantial construction, strong enough to hold and contain when handled, the contents of such containers. All containers from residential customers shall not exceed 40 gallons capacity.

(Ord. 103, passed 12-12-1990; Ord. 114, passed 4-14-1993)

§ 50.14 RECYCLABLES.

Every and all recyclables shall be separated from other solid waste, garbage and trash. Recyclables shall be cleaned. All recyclables shall be placed in an appropriate and suitable container and separated according to type.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

§ 50.15 OWNERSHIP.

Ownership of recyclables set out for collection shall thereupon vest in the village. It shall be unlawful for a person to collect, remove or dispose of recyclables which are property of the village without first having obtained a license required by this subchapter.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

§ 50.16 SEPARATION OF GARBAGE, TRASH AND RECYCLABLES.

All garbage from residential customers shall be drained and wrapped and placed in a separate container from recyclables. All garbage and trash from residential customers shall be placed in designated bags which shall be marked in an appropriate fashion as shall be determined by the Village Council. All violations of this section shall be reported to the Village Clerk by the collector and at the option of the village such services may be discontinued for such violation.

(Ord. 103, passed 12-12-1990) Penalty, see § 50.99

YARD WASTE

§ 50.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCEPTABLE YARD WASTE. Grass clippings and garden weeds, leaves and trimmings.

APPROVED YARD WASTE CONTAINERS. Include paper yard waste bags, 32-gallon cans clearly marked "yard waste" or biodegradable plastic bags.

BRUSH (2-INCH IN DIAMETER OR LESS). Is considered yard waste if containerized in an approved waste container.

CONTAINERIZED. The placement of yard waste in an approved yard waste container so as to prevent yard waste from spilling or blowing out of the container and coming into contact with the sidewalk, street, curb or storm drain.

PERSON. Any individual, corporation, company, association or other entity not otherwise specified.

STREET. Any street, avenue, boulevard, road, parkway, viaduct, drive, alley or other way which is an existing state, county or municipal roadway and includes the area between the street lines, whether improved or unimproved, and may compromise pavement shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street.

TRIMMINGS/BRANCHES BETWEEN 2 INCHES TO 6 INCHES IN DIAMETER. Will be collected with the yard waste provided they are bundled with twine and tied. Bundles should be four feet maximum in length and a maximum of 60 pounds each.

(Ord. 184, passed 8-12-2009)

§ 50.31 DURATION AND HOURS OF YARD WASTE COLLECTION PROGRAM.

(A) The yard waste collection program will run annually from the first Monday in April until the second Monday in November.

(B) During the yard waste season, the Department of Public Works will collect all properly containerized and properly placed yard

waste on a schedule as determined by the Village Council. Yard waste containers (approved bags or other approved waste receptacles) should be placed curbside by 8:00 a.m. the morning of pick up.

(Ord. 184, passed 8-12-2009) Penalty, see § 50.99

§ 50.32 CONTAINERS; MIXING OF YARD WASTE AND TRASH PROHIBITED.

(A) All containers (bags or designated yard waste receptacles containing yard waste) and bundled trim and branches must not exceed a 60-pound weight limit.

(B) Yard waste collected in non-biodegradable plastic bags or single layer paper bags is prohibited and will not be collected.

(C) Mixing of yard waste with regular trash is prohibited.

(Ord. 184, passed 8-12-2009) Penalty, see § 50.99

§ 50.33 DEPOSITING YARD WASTE IN STREET PROHIBITED.

The owner or occupant of any property, or any individual, employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this subchapter.

(Ord. 184, passed 8-12-2009) Penalty, see § 50.99

§ 50.34 ENFORCEMENT; VIOLATIONS.

(A) The provisions of this subchapter shall be enforced by the Police Department.

(B) If the provisions of the foregoing sections are not complied with, a village police officer shall serve personally or by regular first class mail, written notice upon the owner, lessee, occupant or any person having the control of the premises to comply with the provisions of the above sections. Posting a notice of the violation upon the property shall be deemed to be adequate notice. If the person upon whom the notice is served fails to containerize or bundle the yard waste within 48 hours after receipt of such notice or if no owner can be found of such lot, the Police Chief shall cause to be containerized or bundled and to be removed with the actual cost of such containerizing or bundling and removal, plus 25% for inspection and other additional costs in connection therewith, shall be certified by the Village Police Chief to the Village Treasurer and shall become a lien upon the property on which such containerized or bundled yard waste were located, and shall be assessed and collected in the same manner provided for collection of taxes.

(Ord. 184, passed 8-12-2009)

§ 50.35 CONFLICTING PROVISIONS.

All prior ordinances, resolutions or parts thereof in conflict with the subject matter of this subchapter are hereby repealed in their entirety.

(Ord. 184, passed 8-12-2009)

§ 50.99 PENALTY.

(A) Any person or persons, partnership or corporation who shall violate any of the provisions of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions for each infraction.

(B) Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs and other sanctions.

(C) A **REPEAT OFFENSE** means a second (or any subsequent) violation of this chapter:

(1) Committed by a person within any six-month period; and

(2) For which the person admits responsibility or is determined to be responsible.

(D) Each day on which any violation of this chapter continues, constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(Ord. 103, passed 12-12-1990; Ord. 119, passed 4-12-1995; Ord. 184, passed 8-12-2009)

CHAPTER 51: SEWERS

Section

Public and Private Sewers and Drains

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PUBLIC AND PRIVATE SEWERS AND DRAINS

§ 51.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

B.O.D. (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

MAY. Is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON. Any individual, firm, company, association, society, corporation or group.

PH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. 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. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN(sometimes termed STORM SEWER). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The operator of the sewage works or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

VILLAGE. The Village Council.

(Ord. 75, passed 11-14-1979)

§ 51.02 USE OF PUBLIC SEWERS REQUIRED.

(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 said village, any human or animal excrement, garbage or other objectionable waste.

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

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(D) 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 owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so, provided that said public sewer is within 66 feet of the property line.

(E) (1) An industry or structure discharging process flow to the sanitary sewer shall file the material listed below with the village.

(2) The village may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

(a) 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 waste;

(b) Provide a plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or ground waters noted, described and the waste stream identified;

(c) Sample test, and file reports with the village and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the village;

(d) 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;

(e) Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as those factors may affect waste control;

(f) Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents or other wastes; and

(g) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the village, subject to approval.

(F) Prior to the issuance of any permit for connection with any public sewer as provided in § 51.04 of this subchapter, the Superintendent shall ascertain that the sewage works is adequate to service said new users.

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.03 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provision of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the village. The application for such a permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Village Council. A permit and inspection fee of \$50 shall be paid to the Village Treasurer at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department and the village. The Inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the County Health Department and the village. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 12,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 51.02(D), a direct connection shall be made to the public sewer in compliance with this subchapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as designated by the village.

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

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the village.

(H) When public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and private sewage disposal system shall be cleaned of all sludge and filled with clean bank-run gravel or dirt.

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(B) (1) There shall be two classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

(2) In either case, the owner or his or her agent shall make application on a special form furnished by the village. 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 of \$15 for a residential or commercial building sewer permit and \$30 for an industrial building sewer permit shall be paid to the Village Treasurer at the time the application is filed.

(C) All costs and expense incident 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.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear 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.

(E) 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 subchapter.

(F) 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 Building and Plumbing Code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(G) 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.

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

(I) (1) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight.

(2) All deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(J) 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 or her representative.

(K) 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 private property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

(L) All residential or commercial building sewers shall, as a minimum, have an I. D. of four inches. Industrial building sewer sizes shall be as required by the Superintendent.

(M) All building sewers shall have a cleanout provided at the property line constructed using a wye connection on the building sewer at the property line with a four-inch diameter extension to the ground surface. The cleanout shall be plugged at the ground surface with suitable means to prevent surface water entry and shall be as approved by the Superintendent. The cleanout shall be installed in such a manner as to allow cleaning of the public sewer.

(N) The Superintendent shall not permit any new connections to the sewer system unless there is available capacity in all downstream treatment facilities.

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.05 PUBLIC SEWER USE.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or 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 Superintendent and the State Department of Natural Resources, to a storm sewer or natural outlet.

(C) Except as hereinafter provided 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) BOD₅ in excess of 300 mg/l;

(2) COD in excess of 450 mg/l;

(3) Chlorine demand in excess of 15 mg/l;

(4) Color, as from but not limited to dyes, inks and vegetable tanning solutions, shall be controlled to prevent light absorbancy which would interfere with treatment plant processes or that prevent analytical determinations;

- (5) Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil or other flammable shall not be admitted;
- (6) Garbage not properly shredded (no particle size greater than one-half inch) shall not be allowed;
- (7) Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l; or other substance which may solidify or become viscous at temperatures between 32°F and 150°F shall not be admitted to the sanitary sewer;
- (8) (a) Industrial wastes in concentrations above those listed below shall not be allowed to enter sanitary sewers:

Cd CN Cr⁺⁶ Cr Total Cu FE Ni
Pb Phenols Zn

(Limitations set forth by appropriate state agencies to comply with federal guidelines for protection of treatment plan and receiving water course)

- (b) Or any other metallic compounds in sufficient quantity to impair the operation of the sewage treatment processes.
- (9) Inert suspended solids (such as but not limited to Fullers 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;
- (10) Insoluble, solid or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings and the like, shall not be admitted to sanitary sewers;
- (11) Noxious or malodorous gas, such as but not limited to hydrogen sulfide, sulphur dioxide or oxides of nitrogen and other substances capable of producing a public nuisance shall not be allowed;
- (12) pH less than 5.5 and greater than 9.5 shall not be allowed;
- (13) 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;
- (14) Suspended solids in excess of 350 mg/l;
- (15) Temperature of wastes less than 32°F and greater than 150°F shall not be allowed; and
- (16) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit having jurisdiction over the discharge to the receiving waters.

(D) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) above, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, or which otherwise create a hazard to life or constitute a public nuisance, the village may:

- (a) Reject the wastes;
- (b) Require pre-treatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges, under the provisions of division (J) below.

(2) If the village permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the village, and subject to the requirements of all applicable codes, ordinances and laws. All pre-treatment shall be done in accordance with federal pre-treatment standard (40 C.F.R. part 403).

(E) 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.

(F) Where preliminary treatment 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 or her expense.

(G) When required by the village, the owner of any property serviced by a building sewer carrying industrial wastes 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. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(H) (1) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the most recent edition of *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Samplings shall be carried out by customarily accepted methods pursuant to *Guidelines for Established Test Procedures for Analyses of Pollutants* to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken.

(I) No statement contained in this section 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 by the village for treatment, subject to payment therefrom, by the industrial concern in accordance with the rate ordinance of the village.

(J) When an industrial user, as defined in the Federal Register (40 C.F.R. § 35.905), begins discharging to treatment works constructed by an E.P.A. federal grant, the village shall develop and implement an industrial cost recovering system in accordance with federal regulations (40 C.F.R. § 35.928).

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.06 PROTECTION FROM DAMAGE.

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.

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.07 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the village employees and the village shall indemnify the company against loss or damage to its property by said employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(H).

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

§ 51.08 WRITTEN NOTICE OF VIOLATIONS; LIABILITY TO VILLAGE.

(A) Any person found to be violating any provision of this subchapter except § 51.06 shall be served by the village with written

notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations.

(B) Any person violating any of the provisions of this subchapter shall become liable to the village for any expense, loss, or damage occasioned the village by reason of such violation.

(Ord. 75, passed 11-14-1979) Penalty, see § 51.99

OPERATION OF COUNTY SEWAGE DISPOSAL SYSTEM NO. 13; RATES

§ 51.20 COUNTY SEWAGE DISPOSAL SYSTEM NO. 13 TO BE OPERATED BY THE VILLAGE.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the village that the County Sewage Disposal System No. 13 (village) be operated by said village as lessee of the county and the County Department of Public Works under Act 185 of 1957, M.C.L.A. §§ 123.731 et seq., as amended, on a public utility rate basis in accordance with the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.140, as amended.

(Ord. 74, passed 11-14-1979)

§ 51.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REVENUES and **NET REVENUES**. Shall be understood to have the meanings as defined in Public Act 94 of 1933, M.C.L.A. §§ 141.101 et seq., as amended.

THE SYSTEM. The complete village sewage disposal system including all sewers, pumps, lift stations, treatment facilities and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

(Ord. 74, passed 11-14-1979)

§ 51.22 OPERATION AND MAINTENANCE OF SYSTEM TO BE SUPERVISED BY COUNTY DEPARTMENT OF PUBLIC WORKS.

The operation and maintenance of the system shall be under the supervision and control of the County Department of Public Works subject to the terms of the contract, dated June 14, 1978 between the county and the village. Pursuant to the terms of such contract, the village has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Village Council may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges. The actual operation and maintenance of the system shall be performed by the village which shall annually establish a budget for the system subject to the supervision and control of the County Department of Public Works.

(Ord. 74, passed 11-14-1979)

§ 51.23 RATES.

(A) Monthly rates and any associated charges for the use and services furnished by the village sewer system shall be as provided herein.

(B) Sewer charges for all customers shall be based on a minimum charge (hereafter "ready to serve charge") plus the quantity of water used as measured by the respective village municipal water supply meters, for each billing period, except as otherwise provided.

(1) For the purposes of this section, a **SINGLE RESIDENCE** is defined as a house, apartment, mobile home, trailer,

condominium or other permanent construction, having kitchen and/or toilet facilities, in which a person or family live in an individual or private state apart from other persons primarily as a place of residence per unit.

(2) Other customers are comprised of units or dwellings designed for multiple person occupancy either by single apartments or other multi-family dwellings, individual shops, stores, businesses, restaurants, coin washers, gasoline service stations, tourist homes and other nonresidential buildings.

(3) For those multi-unit premises whose water is measured jointly by one water meter, the ready to serve charge shall be applicable to each separate unit on the multi-unit premises. Usage charges shall also apply.

(4) For the purposes of establishing billing charges for sewer usage on a per month basis, each customer's water meter shall receive either an actual meter reading, at least one per quarter weather permitting, or an estimated reading based on the average water usage over a period of time. Following an estimated reading, a customer's billing may be adjusted either up or down when the following actual reading is taken.

(5) For temporary customers such as contractors or for construction purposes and the like, sewer service that is provided shall be charged on the basis of the below stated ready to serve charge (pro rated) and usage rates. When a water meter is installed for such purposes, the ready to serve charge and sewer usage rates shall apply and the temporary user shall pay for the installation and removal of the meter, and shall be responsible for said meter and appurtenances.

(C) (1) Monthly sewer rates of the village customers.

<i>Monthly Sewer Rates</i>	
Ready to serve charge	\$17.71
Additional usage rate per 1,000 gallons: total per 1,000 gallons	\$5.82

(2) The above stated rates are established to be sufficient to provide for the payment of expenses of administration and for the operation, maintenance and replacement of the sewer disposal system as are necessary to preserve the same in good repair and in good working order, to provide for the payment of contractual obligations of the village to the state and/or federal government pursuant to statute and contractual obligations as they become due and to provide for such other expenditures and funds for the sewer system as this section may require.

(D) (1) All applications for sewer service attachments to the sewer collection piping for the purposes of collecting sanitary sewage from the premises, as well as application for the sewer must be made at the village offices by the owner of the premises from which the sanitary sewage is proposed to be collected. The application for sewer service shall be upon forms prescribed by the village and signed by the prospective customer or an authorized agent.

(2) The prospective customer shall pay in advance for the sewer service hook-up, as the minimum charge; charges for service piping, backhoe services, operator service and all labor shall be accounted for, then the complete cost of the attachment shall be charged to the customer on a cost plus basis upon completion. Charges for equipment and labor are in addition to the tap charges.

(3) Sewer tap charge: \$1,800.

(E) Special rates for miscellaneous services shall be established and fixed by the Village Council from time to time.

(F) (1) The following non-recurring charges shall be made for those transactions and/or services provided by the Water Department:

(a) Service charge: Two times the actual hourly rate labor rate; and

(b) Equipment charge: Per equipment rental schedule utilized by the village to comply with Public Act 51 of 1951, State Transportation Law.

(2) Requests for adjustments of sewer billings shall be made in writing to the village within 30 days of the date of the billing. Adjustments will be made only for clerical errors, misreads or unexplained failure of village-owned equipment; there will be no adjustments made for leaks, pool fills or other causes within the control or responsibility of the property owner. Adjustments may be made for one pool fill per property per year upon prior written request of the property owner to the village.

(G) The village shall review the rate structure annually and shall adjust the fixed charges, usage charges, fees and other customer charges to generate adequate revenues and maintain proportionate system of customer charges. This shall be accomplished by a resolution of the Village Council after a public hearing thereon.

(H) (1) Bills will be rendered monthly and shall be immediately due and payable and may be paid without penalty up to and including the last day of the month when rendered. If the bill is not paid in full on or before the last day of the month in which the bill is rendered, a penalty of 10% on the unpaid balance shall be added.

(2) In addition to the foregoing, the village shall have the right to shut off water service to any premise for which water and sewer services have not been paid by the last day of the following month and such service shall not be reestablished until all delinquent charges, penalties and turn-off and turn-on charges have been paid. Charges and penalties may be recovered through court action.

(I) Collection of all sewer system charges, fees, penalties and any assessment issued in accordance with any provision of this section as adopted by the Village Council shall be performed by the Water Clerk or other appropriately designated village employee, as provided by applicable law and deposited in an approved financial institution.

(J) Charges for services furnished to a premises may be a lien on the premises, and those charges delinquent for six months or more may be certified annually to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. The time and manner of certification and other details in respect to the collection of the charges and the enforcement of the lien shall be prescribed by an ordinance adopted by the village. However, in a case when a tenant is responsible for the payment of the charges and the village is so notified in writing, the notice to include a copy of the lease of the affected premises, if there is one, 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 public corporation shall render no further service to the premises until a cash deposit of not less than one full year's service shall have been made as security for the payment of the charges. In addition to any other lawful enforcement methods, the payment of charges for sewer service to any premises may be enforced by discontinuing the water service to the premises and the payment of charges for sewage disposal service or storm water disposal service to a premises may be enforced by discontinuing the water service, the sewage disposal service or the storm water disposal service to the premises, or any combination of the services.

(Ord. 74, passed 11-14-1979; Ord. 129, passed 7-8-1998; Ord. 131, passed 3-10-1999; Ord. 145, passed 7-18-2001; Ord. 151, passed 2-19-2003; Ord. 154, passed 5-19-2004; Ord. 180, passed 2-25-2009; Ord. 197, passed 12-14-2011; Ord. 201, passed 6-12-2013)

Statutory reference:

The Revenue Bond Act, see Public Act 94 of 1933, § 21, being M.C.L.A. § 141.121

§ 51.24 NO FREE SERVICE TO BE PROVIDED.

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

(Ord. 74, passed 11-14-1979)

§ 51.25 MANDATORY CONNECTION WITH SYSTEM.

It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the village; that all premises on which structures in which sanitary sewage originates are situated shall connect to the system at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the village, and therefore all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the system shall be available shall connect to said system within 90 days after the mailing or posting of notice on such premises by the appropriate village official that such services are available. Said notification and enforcement of this section shall be in conformity with Public Act 368 of 1978, being M.C.L.A. §§ 333.127101 et seq.

(Ord. 74, passed 11-14-1979) Penalty, see § 51.99

§ 51.26 RATES TO PROVIDE FOR EXPENSES; ANNUAL RATE REVIEW.

(A) The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the village to the county pursuant to the aforesaid contract between said county and the village as the same become due, and to provide for such other expenditures and funds for said system as this subchapter may require.

(B) Such rates shall be fixed and revised from time to time, by resolution of the Village Council after a public hearing thereon, as may be necessary to produce these amounts. The village shall review the rate structure annually and adjust the capital charges and user charges to generate adequate revenues and maintain a proportionate system of user charges (user charges must reflect the costs incurred by the village to provide each user with treatment services).

(Ord. 74, passed 11-14-1979)

§ 51.27 OPERATING YEAR OF SYSTEM.

The system shall be operated on the basis of an operating year commencing on October 1 and ending on September 30 next following.

(Ord. 74, passed 11-14-1979; Ord. 171, passed 5-9-2007)

§ 51.28 REVENUES TO BE DEPOSITED INTO RECEIVING FUND.

The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in The Bank of Three Oaks, a bank duly qualified to do business in the state, in an account to be designated Sewage Disposal System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified.

(A) *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 system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and work order. **EQUIPMENT REPLACEMENT** means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. Replacement is an operation and maintenance expense.

(B) *Contract Payment Fund.* There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the village's obligations to the county pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other fund of the village legally available for such purpose.

(C) *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 replacements to the system, if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Village Council shall deem necessary for this purpose.

(D) *Improvement Fund.* There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.

(E) *Surplus monies.* Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council be transferred to the Improvement Fund or used in connection with any other project of the village reasonably related to purposes of the system.

(F) *Bank accounts.* All money belonging to any of the foregoing funds or accounts 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 above set forth.

(Ord. 74, passed 11-14-1979)

§ 51.29 TRANSFER OF MONIES.

In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from special assessments or tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein. User charges for operation, maintenance and equipment replacement shall be immediately adjusted to reflect increased costs and defray amounts borrowed from other funds.

(Ord. 74, passed 11-14-1979)

§ 51.30 INVESTMENTS.

Monies in any fund or account established by the provisions of this subchapter may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.140, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Ord. 74, passed 11-14-1979)

§ 51.31 TAMPERING WITH EQUIPMENT.

No person other than the Water Department Superintendent, his or her designee or person authorized by the Village Council or Village Manager may adjust, alter or otherwise exert dominion over the village sewer system property. Any person tampering, altering, adjusting, damaging, destroying or otherwise interfering with the Sewer Department property or who violates any of the provisions of this section is responsible for a municipal civil infraction, subject to the penalty provided in § 51.99.

(Ord. 74, passed 11-14-1979; Ord. 180, passed 2-25-2009) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person or persons, partnership or corporation who shall violate any of the provisions of §§ 51.01 through 51.05, 51.07, 51.08 or 51.23 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions for each infraction.

(1) Repeat offenses shall be subject to an increased civil fine as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs and other sanctions.

(2) A **REPEAT OFFENSE** means a second (or any subsequent) violation of this chapter:

(a) Committed by a person within any six-month period; and

(b) For which the person admits responsibility or is determined to be responsible.

(3) Each day on which any violation of this chapter continues, constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(C) Any person violating § 51.06 shall be deemed guilty of a misdemeanor.

(Ord. 75, passed 11-14-1979; Ord. 119, passed 4-12-1995; Ord. 184, passed 8-12-2009)

Section

Water System Operation and Rates

- 52.01 Rates and charges established in this subchapter
- 52.02 Basis of charges
- 52.03 Monthly water rates
- 52.04 Applications for water service
- 52.05 Special rates may be adopted by Village Council
- 52.06 Non-recurring charges; requests for adjustments
- 52.07 Annual rate review
- 52.08 Billing; penalty for late payment
- 52.09 Collections by Village Water Clerk
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- 52.11 Tampering or interfering with waterworks property
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Private Wells

- 52.25 Private well defined
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- 52.27 Temporary use
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Additional Regulations

- 52.40 Prohibiting the addition of fluoride to drinking water
- 52.41 Source of contamination or pollution prohibited

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WATER SYSTEM OPERATION AND RATES

§ 52.01 RATES AND CHARGES ESTABLISHED IN THIS SUBCHAPTER.

Monthly rates and any associated charges for the use and services furnished by the village water system shall be as provided herein.
(Ord. 179, passed 2-25-2009)

§ 52.02 BASIS OF CHARGES.

Water charges for all customers shall be based on a minimum charge (hereafter "ready to serve charge") plus the quantity of water used as measured by the respective village municipal water supply meters, for each billing period, except as otherwise provided.

(A) For the purposes of this subchapter, a **SINGLE RESIDENCE** is defined as a house, apartment, mobile home, trailer, condominium or other permanent construction, having kitchen and/or toilet facilities, in which a person or family live in an individual or private state apart from other persons primarily as a place of residence per unit.

(B) Other customers are comprised of units or dwellings designed for multiple-person occupancy either by single apartments or other multi-family dwellings, individual shops, stores, businesses, restaurants, coin washers, gasoline service stations, tourist homes and other nonresidential buildings.

(C) For those multi-unit premises whose water is measured jointly by one water meter, the ready to serve charge shall be applicable to each separate unit on the multi-unit premises. Usage charges shall also apply.

(D) For the purposes of establishing billing charges for water usage on a per month basis, each customer's meter shall receive either an actual meter reading, at least one per quarter weather permitting, or an estimated reading based on the average water usage over a period of time. Following an estimated reading, a customer's billing may be adjusted either up or down when the following actual reading is taken.

(E) For temporary customers such as contractors or for construction purposes, and the like; water service that is provided shall be charged on the basis of the below stated ready to serve charge (pro rated) and usage rates. When a water meter is installed for such purposes, the ready to serve charge and water usage rates shall apply and the temporary user shall pay for the installation and removal of the meter, and shall be responsible for said meter and appurtenances.

(Ord. 179, passed 2-25-2009; Ord. 196, passed 12-14-2011)

§ 52.03 MONTHLY WATER RATES.

(A) Monthly water rates of village customers.

Ready to serve charge	\$30
Additional usage rate per 1,000 gallons	\$5.18
Total per 1,000 gallons	
Fire protection, public hydrants	\$8.33 per hydrant

(B) The above stated rates are established to be sufficient to provide for the payment of expenses of administration and for the operation, maintenance and replacement of the waterworks system as are necessary to preserve the same in good repair and in good working order, to provide for the payment of contractual obligations of the village to the state and/or federal government pursuant to statute and contractual obligations as they become due and to provide for such other expenditures and funds for the water system as this subchapter may require.

(Ord. 179, passed 2-25-2009; Ord. 190, passed 12-8-2010)

§ 52.04 APPLICATIONS FOR WATER SERVICE.

(A) All applications for water service attachments to the water distribution piping for the purposes of introducing water from the waterworks system into any premises, as well as application for the water must be made at the village offices by the owner of the premises into which the water is proposed to be introduced. The application for water service shall be upon forms prescribed by the village and signed by the prospective customer or an authorized agent.

(B) The prospective customer shall pay in advance for the following water service tap charges, as the minimum charges, which will include only a corporation stop, curb stop, service box and appurtenances for the attachment; charges for service piping, backhoe

services, operator service and all labor shall be accounted for, then the complete cost of the attachment shall be charged to the customer on a cost-plus basis upon completion. Charges for equipment and labor are in addition to the tap charges.

<i>Water Service Tap Charges</i>	
5/8 to 1 inch	\$2,200
over 1 inch to 2 inches	\$7,800
over 2 inches	Contact village office for quote

(Ord. 179, passed 2-25-2009)

§ 52.05 SPECIAL RATES MAY BE ADOPTED BY VILLAGE COUNCIL.

Special rates for miscellaneous services shall be established and fixed by the Village Council from time to time.

(Ord. 179, passed 2-25-2009)

§ 52.06 NON-RECURRING CHARGES; REQUESTS FOR ADJUSTMENTS.

(A) The following non-recurring charges shall be made for those transactions and/or services provided by the Water Department:

Equipment charge:	Per equipment rental schedule utilized by the village to comply with Public Act 51 of 1951 (State Transportation Law)
Meter turn-on/turn-off orders:	\$25 flat fee
Service charge:	Two times the actual hourly rate labor rate

(B) Requests for adjustments of water billings shall be made in writing to the village within 30 days of the date of the billing. Adjustments will be made only for clerical errors, misreads or unexplained failure of village-owned equipment; there will be no adjustments made for leaks, pool fills or other causes within the control or responsibility of the property owner.

(Ord. 179, passed 2-25-2009)

§ 52.07 ANNUAL RATE REVIEW.

The village shall review the rate structure annually and shall adjust the fixed charges, usage charges, fees and other customer charges to generate adequate revenues and maintain proportionate system of customer charges. This shall be accomplished by a resolution of the Village Council after a public hearing thereon.

(Ord. 179, passed 2-25-2009)

§ 52.08 BILLING; PENALTY FOR LATE PAYMENT.

(A) Bills will be rendered monthly and shall be immediately due and payable and may be paid without penalty up to and including the last day of the month when rendered. If the bill is not paid in full on or before the last day of the month in which the bill is rendered, a penalty of 10% on the unpaid balance shall be added.

(B) In addition to the foregoing, the village shall have the right to shut off water service to any premise for which water and sewer services have not been paid by the last day of the following month and such service shall not be reestablished until all delinquent charges, penalties and turn-off and turn-on charges have been paid. Charges and penalties may be recovered through court action.

(Ord. 179, passed 2-25-2009)

§ 52.09 COLLECTIONS BY VILLAGE WATER CLERK.

Collection of all water system charges, fees, penalties and any assessment issued in accordance with any provision of this subchapter as adopted by the Village Council shall be performed by the Water Clerk or other appropriately designated village employee, as provided by applicable law and deposited in an approved financial institution.

(Ord. 179, passed 2-25-2009)

§ 52.10 CHARGES A LIEN ON PREMISES.

Charges for services furnished to a premises may be a lien on the premises, and those charges delinquent for six months or more may be certified annually to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. The time and manner of certification and other details in respect to the collection of the charges and the enforcement of the lien shall be prescribed by an ordinance adopted by the village. However, in a case when a tenant is responsible for the payment of the charges and the village is so notified in writing, the notice to include a copy of the lease of the affected premises, if there is one, 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 public corporation shall render no further service to the premises until a cash deposit in a sum fixed in the ordinance authorizing the issuance of bonds under this act is made as security for the payment of the charges. In addition to any other lawful enforcement methods, the payment of charges for water service to any premises may be enforced by discontinuing the water service to the premises and the payment of charges for sewage disposal service or storm water disposal service to a premises may be enforced by discontinuing the water service, the sewage disposal service, or the storm water disposal service to the premises, or any combination of the services.

(Ord. 179, passed 2-25-2009)

Statutory reference:

The Revenue Bond Act, see Public Act 94 of 1933, § 21, being M.C.L.A. § 141.121

§ 52.11 TAMPERING OR INTERFERING WITH WATERWORKS PROPERTY.

(A) No person other than the Water Department Superintendent, his or her designee or person authorized by the Village Council or Village Manager may adjust, alter or otherwise exert dominion over the village waterworks property.

(B) In addition to any fines and penalties, any person found to have committed the above named acts with respect to village property shall be responsible for replacing the damaged property and any labor associated with replacement or repair.

(Ord. 179, passed 2-25-2009)

§ 52.12 CONFLICTING PROVISIONS.

All prior ordinances, resolutions or parts thereof in conflict with the subject matter of this subchapter are hereby repealed in their entirety.

(Ord. 179, passed 2-25-2009)

§ 52.25 PRIVATE WELL DEFINED.

A *PRIVATE WELL* is defined as an opening in the surface of earth for the purpose of removing water through mechanical or non-mechanical means for any purpose except construction site dewatering or conducting response activity, including sampling or treatment of the groundwater, under a plan approved by the State Department of Environmental Quality. These exceptions apply only when all necessary permits have been obtained for the well in question.

(Ord. 155, passed 5-19-2004)

§ 52.26 PROHIBITIONS; PERMITS.

No person shall install a private well, without first obtaining a permit from the Department of Public Works. No permit for a private well shall be issued where village water is available within 200 feet of the property. If municipal water service is unavailable within 200 feet of any developable parcel, a private well may be permitted if the well water is tested annually and approved for human consumption by the State Department of Environmental Quality, Drinking Water and Radiological Protection Division or the County Health Department, and if written proof of such annual approval is delivered to the Department of Public Works.

(Ord. 155, passed 5-19-2004) Penalty, see § 52.99

§ 52.27 TEMPORARY USE.

A well meeting the above criteria may be used temporarily for water until the village water service is available within 200 feet of the property, at which time the well shall be properly capped and abandoned and proper hook-up to the village water system shall be required. The cost of proper abandonment of a well that was temporarily allowed under this section and proper hookup to the village water system shall be the owner's responsibility.

(Ord. 155, passed 5-19-2004)

§ 52.28 PROPERTY SPLIT OR CONVEYANCE.

No split or conveyance of any property shall be effective to render village water service unavailable.

(Ord. 155, passed 5-19-2004)

§ 52.29 MODIFICATION NOTICE.

At least 30 days prior to adopting a modification of this subchapter or 30 days prior to the lapsing or revocation of this subchapter, the village shall notify the Director of the State Department of Environmental Quality by registered mail.

(Ord. 155, passed 5-19-2004) Penalty, see § 52.99

ADDITIONAL REGULATIONS

§ 52.40 PROHIBITING THE ADDITION OF FLUORIDE TO DRINKING WATER.

The addition of fluoride to the drinking water of the municipal water system of the village is hereby expressly prohibited. The specific purpose of this section is to exempt the water system of the village from the provisions of Public Act 346 of 1968, being M.C.L.A. §§ 325.191 and 325.192, which Act makes the addition of fluoride to the drinking water of a public water system mandatory unless the municipality exempts itself from the provisions of said Act by ordinance duly enacted by the Village Council.

(Ord. 55, passed 6-7-1973)

§ 52.41 SOURCE OF CONTAMINATION OR POLLUTION PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to construct or maintain, or permit to be constructed or maintained, within a radius of 100 feet from any of the wells supplying the municipal water system of the village, any source of possible contamination or pollution to said wells.

(B) It shall be unlawful for any person, firm or corporation to do any act, or to allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the village.

(Ord. 27, passed 8-9-1959) Penalty, see § 52.99

§ 52.99 PENALTY.

(A) Any person violating any of the provisions of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person tampering, altering, adjusting, damaging, destroying or otherwise interfering with the Water Department property or who violates any of the provisions of §§ 52.01 through 52.12 or §§ 52.25 through 52.29 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions, for each infraction.

(1) Repeat offenses shall be subject to an increased civil fine as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250 plus costs and other sanctions; and

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500, plus costs and other sanctions.

(2) A **REPEAT OFFENSE** means a second (or any subsequent) violation of the sections listed in division (B) above:

(a) Committed by a person within any six-month period; and

(b) For which the person admits responsibility or is determined to be responsible.

(C) Each day on which any violation of §§ 52.25 through 52.29 continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition, the village specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with the provisions of §§ 52.25 through 52.29.

(D) Any person, firm or corporation violating any of the provisions of § 52.41 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100, and costs of prosecution, or by imprisonment in the county jail for a term of not exceeding 90 days, or both such fine and imprisonment, in the discretion of the court.

(Ord. 27, passed 8-9-1959; Ord. 155, passed 5-19-2004; Ord. 179, passed 2-25-2009)

CHAPTER 53: CROSS CONNECTIONS

Section

53.01 State water supply cross connection rules adopted by reference

53.02 Inspections by Water Department

53.03 Right of entry

53.04 Water service discontinued for violation

53.05 Non-potable water

53.06 Regulations supplement State Plumbing Code

§ 53.01 STATE WATER SUPPLY CROSS CONNECTION RULES ADOPTED BY REFERENCE.

The village adopts by reference the water supply cross connection rules of the State Department of Public Health being R325.431 to R325.440 of the State Administrative Code.

(Ord. 58, passed 1-3-1974)

§ 53.02 INSPECTIONS BY WATER DEPARTMENT.

It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspection and reinspections based on potential health hazards shall be as established by the Water Department.

(Ord. 58, passed 1-3-1974)

§ 53.03 RIGHT OF ENTRY.

The representative of the Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the village for the purpose of inspecting the piping system or systems on such property. Refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Ord. 58, passed 1-3-1974)

§ 53.04 WATER SERVICE DISCONTINUED FOR VIOLATION.

The village water system is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this chapter.

(Ord. 58, passed 1-3-1974)

§ 53.05 NON-POTABLE WATER.

The potable water supply made available on the property served by the public water supply shall be protected from possible contamination as specified by this chapter and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuously manner as:

WATER UNSAFE FOR DRINKING

(Ord. 58, passed 1-3-1974) Penalty, see § 53.99

§ 53.06 REGULATIONS SUPPLEMENT STATE PLUMBING CODE.

This chapter does not supercede the State Plumbing Code or any other village ordinance but is supplementary to them.

(Ord. 58, passed 1-3-1974)

§ 53.99 PENALTY.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than \$100, or by imprisonment in the county jail not to exceed 90 days or by both fine and imprisonment in the discretion of the court.

(Ord. 58, passed 1-3-1974)