

## **Chapter 13**

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**ARTICLE I.****IN GENERAL**

**Secs. 13-1--13-25. Reserved.**

**ARTICLE II.****WATER****Sec. 13-26. Administration.**

(a) The water superintendent, called the superintendent in this chapter, shall have charge of the maintenance and operation of the water supply treatment plant, pumping equipment and meters.

(b) The village clerk shall be responsible for the accounting and billing of water bills. The amount of revenue shall be accounted for in a manner satisfactory to the council and shall be collected by the duly authorized agent of the village. The village treasurer shall prepare and present a monthly financial statement of the receipts and expenditures of the water department to the village council.

(c) The village clerk shall deposit water revenues in the manner approved for the village deposits but shall keep water revenues in a separate and distinct account.  
(Ord. No. 55, § I)

**Sec. 13-27. Water mains.**

(a) The water mains of the village shall be under the exclusive control of the village council, and no person other than agents or employees of the water department shall tap, change, obstruct, interfere with or in any way disturb the system of water mains.

(b) Water main extensions shall be made in accordance with one (1) of the following plans:

- (1) *Payment of entire cost in advance.* Any one (1) or more property owners may request the village council to determine the feasibility and the estimated cost of the construction of a proposed water main extension to serve their premises. If the village council shall approve the proposed extension and determine the estimated construction costs, such property owners may deposit with the water department a sum equal to such estimated cost, and the village council shall thereupon proceed with the construction. Any surplus in the deposit amount over and above the construction costs shall be refunded to the owners or their agent. Should the construction costs exceed the deposit amount, the owners shall pay the excess amount, and no water taps shall be installed or water service rendered from the extension until the cost is paid in full.

- (2) *Construction by owner.* In undedicated streets and in new subdivisions, the village council may permit the owner to arrange for the laying of water main extensions by private contract, the work to be under the supervision of the village council, and shall require a deposit in the sum of one hundred dollars (\$100.00) as a guarantee against defective workmanship or materials. Each deposit, less any sums expended by the department for repair or replacement of defective work or materials shall be refunded one (1) year after the water main extension has been placed in service. No other refund of payment shall be made. In the construction of any such extension, the contractor shall use only duly inspected pipes, special valves, etc., obtained from the water department upon payment of the cost thereof.
- (3) *Fifty-percent petition.* In the case of existing dedicated streets, the village council shall be authorized to construct water main extensions where practicable, upon application of the owners of fifty (50) percent of the abutting foot frontage to be served by the proposed extension, accompanied by the payment of two dollars (\$2.00) per lineal abutting front foot of the property owned by the petitioners. When a water main extension has been constructed in accordance with this subsection (Plan 3), water tap connections to such extension shall be permitted only to serve premises for which the front foot charge was collected at the time of filing the petition, provided that the owners of other property may be permitted to make connections upon payment of sums respectively equal to two dollars (\$2.00) per front foot of the abutting premises owned by them. No part of the payment made in accordance with Plan 3 shall be refunded in any case.
- (4) *Construction without petition.* Whenever the village council shall determine that it would be to the best interests of the water distribution system to construct a water main extension connecting two (2) or more existing water mains, it shall construct such extension without the filing of any petition therefor or the making of any advance payment or deposit. After the completion of any such connecting water main extension, the village council shall cause all premises abutting the street or way in which such connecting extension is laid to be billed at the rate of one dollar (\$1.00) per front foot of their abutting property, to be paid within thirty (30) days after the date of the notice, and at the rate of two dollars (\$2.00) per front foot. No connecting tap shall be permitted to be made in any such extension until and unless the abutting front foot charge provided for in this section has been paid in full.
- (5) *Construction outside the village.* The entire cost of all mains constructed outside the village limits shall be defrayed by the property owners. The size, location and methods of construction shall be determined by the department. If constructed by the water department, advance payment must be made before the work will be started. If the construction is done by the

owners or their agents, plans and specifications will be furnished by the village department. All construction not performed by the village shall be under village supervision and inspection and the cost of supervision and inspection defrayed by the property owners.

- (6) *Property owners not to be relieved from payment.* No construction of water main extensions shall be proceeded with by the superintendent under subsection (3) (Plan 3) until the advance payments or deposits required by such section have been paid in full to the water department. If in any case, by reason of inadvertence or oversight, construction has been made without compliance with advance payment requirements, such inadvertence or oversight shall not relieve the benefited property owner from the obligation to pay the amount due. In such cases, no water tap connection shall be made or water service rendered, unless and until the required payment or deposits are made in full.
- (7) *Size of main.* The water department shall determine the size and location of any proposed water main, which size shall not be less than four (4) inches, and shall bear all costs exceeding the one dollar (\$1.00) per front foot charge made against the abutting property benefited by this construction.

(Ord. No. 55, § II)

**Sec. 13-28. Service pipe.**

(a) All service pipe on either public or private property shall be laid on solid ground not less than five (5) feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least eighteen (18) inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into a solid bottom. In no case shall a service pipe be laid on a fill.

(b) From the mains to the water meter all service pipes shall be of copper, or other materials of like nature, not less than one (1) inch in diameter, approved by the superintendent. Service cocks shall be at one (1) inch, extra heavy round way stop and waste type placed twelve (12) inches from the street side of the sidewalk. The stop box shall be set so that the cover is one (1) inch above the grade and must be set on a brick or concrete foundation to prevent settlement.

(c) A separate stop and waste cock shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such stops shall be equal in quality to service cock.

(d) The corporation cock, the service pipe from the main to the service cock, and stop box will be provided in place and maintained by the water department under the fee for water permit provided in this chapter. The service pipe from the service cock to the building on private property shall be installed and maintained by the owner. The owner shall keep the stop box free from dirt, stone or other substance that will prevent access to the service cock.

(e) All service pipe on private property and all water piping in all premises shall be installed by a plumber. Such plumbers shall not interfere in any way with service pipes installed by the water department and shall not be permitted to turn water on or off at the service cock except for the purpose of testing, in which case the service cock shall be left in the same condition and position as they found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only. If installation from the property line to the dwelling is made by the water department, such installation shall be made at cost plus labor.

(f) Before any connection shall be made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his authorized representative, at the office of the village clerk. Such application shall be made on forms provided by the water department, which shall contain such information as the village council may require.

(g) After the permit for a service connection has been granted and before the connection is made, the owner shall pay an initial permit fee of one hundred forty dollars (\$140.00). After the tap-in and service pipe is laid from the main to the service cock and stop box, the owner will be billed for the remainder of the balance on a time-and-material basis, based on an inventory of labor, parts, equipment and time required for the particular tap of the water service.

(Ord. No. 55, § III; Ord. No. 128, 6-10-85)

### **Sec. 13-29. Meters.**

(a) All premises using water shall be metered and charged for water at rates as set forth in this article. In no case will water be supplied to fixtures at flat rates, except for the temporary supply of water as set forth in this article, or in special cases, after review and approval by formal resolution of the village council.

(b) Meters up to one (1) inch will be furnished by the water department and will at all times be under its control.

(c) For ordinary domestic consumption of water, a three-fourths-inch meter will be furnished. Where application is made for a meter larger than three-fourths-inch, the water superintendent shall determine whether a meter of such size is required. The water department will furnish meters in sizes up to and including one and one-half-inch. Where a meter larger than one and one-half-inch is required, special arrangements must be made between the department and customer by resolution of the village council. All users shall pay a tapping fee, commercial or otherwise.

(d) Meters shall be set in an accessible location and in a manner satisfactory to the water superintendent. Where the premises contains no basement or cellar, the meter shall be installed outside in a meter pit, the location of which shall be approved by the superintendent. Where it is necessary to put the meter in a pit, such pit shall be built at the expense of the owner as directed by the superintendent and to his entire satisfaction.

(e) Meters will be sealed by the department, and no one except an authorized employee of the department shall break or injure the seals. No person other than an authorized employee of the water department shall change the location of, alter or interfere in any way with any meter.

(f) The expense of installing and maintaining meters will be borne by the water department; provided, however, that where replacements, repairs or adjustments of a meter are made necessary by the acts, negligence or carelessness of the owner or occupant of the premises, the expense to the department caused thereby shall be charged and collected from the owner of the premises. In case the owner or occupant of premises shall fail to pay the amount of expenses incurred, the department shall take action as outlined in section 13-31.

(g) The owner or occupant of any premises where a meter is installed will be held responsible for its care and protection from freezing or damage from interference by any person. In case of damage to the meter, or in case of its stoppage or imperfect work, he shall give immediate notice to the water department. All water furnished by the village and used on any premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meter gets out of order or fails to register, the consumer will be charged at the average monthly rate as shown by the meter over the period of the preceding year when accurately registering. The accuracy of the meter on any premises will be tested by the water department upon the written request of the owner who shall pay in advance a fee of twenty-five dollars (\$25) to cover the cost of the test. If, on such test, the meter shall be found to register over one (1) percent more water than actually passes through it, another meter will be substituted therefore, the fee of twenty-five dollars (\$25) will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and just.

(Ord. No. 55, § IV; Mo. of 1-8-01; Amendment to Ord. 13-29g, 12-13-2004)

**Sec. 13-30. Use of water.**

(a) When a new service pipe is put into any premises, the service cock shall be left closed, and will thereafter be opened only by an authorized employee of the water department and only upon the request of the owner or his agent; provided, however, that a plumber may open and close a service cock to test his work, as provided in section 13-28.

(b) Where the water has been turned off by the water department for any reason, no person except authorized employees or agents of the department, may turn it on again. Whenever this rule is violated, the water department may shut off the water at the corporation cock at the main, the owner shall pay in advance double the established rate for water used by him, and the entire expense incurred by the water department for doing this work before the water is turned on again.

(c) No steam boiler shall be connected to the service pipe until the owner shall make such provisions as may be required by the water department before the water may be

supplied to such an installation.

(d) The water superintendent or any of his authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the water department to any premises for such purpose. In case any authorized employee be refused admittance, or is in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving twenty-four (24) hours' notice to the owner or occupant thereof.

(e) Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than twenty-five (25) feet of fire hose constantly attached thereto, and no water shall be taken through such opening or hose for any purpose other than for extinguishing fires, except for the testing of such equipment. Any such testing of fire equipment must be conducted under a special permit issued by the fire department.

(f) Fire hydrants shall be opened and used only by the water and fire departments of the village or by such persons as may be specifically authorized by the water department. No person shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any subject or materials of any kind within twenty (20) feet of the fire hydrant.

(g) Any resident or owner of property who is obtaining water from the village water supply will not be permitted to pipe water to any other structure being used as a separate residence, business or meeting place unless a separate meter is installed to meter such service and billed separately. Whether the installation of a second meter is feasible in any such case will be at the discretion of the water superintendent and the village council. (Ord. No. 55, § V)

### **Sec. 13-31. Rates and charges.**

(a) For the purpose of making and collecting charges for water used by consumers, the calendar year shall be subdivided into twelve (12) monthly billings. All water bills shall be due and payable on or before the twentieth day of the succeeding month.

(b) In the case of temporary vacancy of any premises, water will be turned off at the service cock and the meter removed by the water department upon the written request of the owner of the premises to the department, and will be turned on again and the meter will be set when requested, upon payment of the turn-on turnoff fee of ten dollars (\$10.00). The minimum fee for any month where such vacancy occurs will not be charged as long as the water department turns off the service. Where premises are left unoccupied and the owner or occupant does not request the water turned off by the water department, no rebate will be allowed, nor will any allowance be made for any water registered by the meter that may leak or waste through the plumbing fixtures.

(c) The charges for water supplied during any month shall be paid within the succeeding month. If the charges are not paid by the twentieth of the succeeding month a ten (10) percent fee will be added to the charges and a second billing will be mailed. If all charges are not paid by the last day of that same month, the water supply will be shut off. A fifty-dollar turn-on fee will be charged and must be paid in addition to the past due water usage bill and the fees before water service will be reinstated. The village council may direct that any negligence or carelessness of the owner or occupant be recovered by the village in action by law, or the amount of the charges may be certified to the tax assessor and be assessed against the lot or parcel of land upon which is situated the premises served, to be collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected or returned. They shall become a lien upon such lot or parcel of land coordinated with the lien of other municipal taxes from the time of certification to the tax assessor.

(d) The following schedule of water rates is hereby established and shall be charges for the water supplied by the water department:

0 through 3,000 gallons, minimum charge.....	\$14.38
3,000 gallons and up, per 1,000 gallons .....	\$5.75

An additional twenty (20) percent of the total billings shall be made for all water supplied to users outside the village limits. An additional charge of ten dollars (\$10.00) per month shall be made where unmetered standby service is provided.

A meter charge shall be charged to cover expenses of repairing and replacing meters, as they are deemed necessary to be replaced by the water department, as follows:

5/8" meter, monthly .....	\$1.00
3/4" meter, monthly .....	1.00
1" meter, monthly .....	1.67
1 1/4" meter, monthly .....	1.67
1 1/2" meter, monthly .....	1.67
2" meter, monthly .....	2.50
3" meter, monthly .....	2.50
4" meter, monthly .....	2.50

(Ord. No. 55-C, § I, 11-23-87; Ord. No.55-D, § I, 6-2-97; Ord. of 10-26-98. § 1; Mo of 1-8-01; Ord. of 3-12-01; Mo of 10-22-01, Ord of 2-24-03)

**Sec. 13-32. Protection from contamination, pollution.**

It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained, within a radius of one hundred (100) feet from any of the municipal water wells within the village from which the village draws its water supplies any sources of possible contamination or pollution to the wells.  
(Ord. No. 55, § IX)

**Sec. 13-33. Interruption of service.**

Should it become necessary to shut off the water from any section of the village because of accidents or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby, and will, so far as practicable, use its best efforts to prevent inconveniences and damage arising from any such causes, but the failure to give such notice shall not render the water department responsible or liable for damages which may result therefrom.  
(Ord. of 2-13-84)

**Sec. 13-34. Cross connections.**

(a) The village adopts by reference the Water Supply Cross Connection Rules of the state department of public health, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

(b) 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 are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the village and as approved by the state department of public health.

(c) The representative of the village 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 thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(d) The village water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section 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 section.

(e) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article 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 conspicuous manner as:

**W A T E R   U N S A F E  
F O R   D R I N K I N G**

(f) This section does not supersede the state plumbing code but is supplementary to it.  
(Ord. No. 100, §§ 1--6, 6-13-77)

**Sec. 13-35. Water connection fee.**

The following schedule of water connection fees is hereby established and shall be charged by the Elsie Water Department:

Village residents . . . . . \$350.00

Non-Village residents . . . . . \$450.00

(Ord. No. 55-D, § II, 6-2-97)

**Section 13-36 Private Wells Prohibited for indoor use.**

- (1) **Connection to Village Water Supply.** The water distribution system of any building, commercial, residential or industrial, within the Village of Elsie, and in which, plumbing fixtures are installed, shall be connected to the village water supply system if available. Any building, which, at the time of the passage of this amendment, has a private source of water that would not be permitted under this amendment, may continue to use such source so long as the source remains otherwise lawful. If such private source of water shall fail or otherwise become unfit for human consumption or use, this chapter shall apply.
- (2) **Availability of Village Water Supply.** The village water supply system shall be deemed available if a water main of the village water supply system is within three hundred (300) feet of the nearest portion of the property upon which the building is located.
- (3) **Violation a Misdemeanor.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor punishable by up to ninety (90) days in jail and/or fines of up to Five Hundred (\$500.00) Dollars plus costs.

- (4) **Notification to MDEQ.** The Village Water Superintendent shall notify the Michigan Department of Environmental Quality (MDEQ) at least thirty (30) days prior to any modification to this Ordinance or to the lapsing or revocation of this ordinance, in full or in part.
- (5) **Filing of Ordinance.** The Village Clerk shall file his Ordinance with the Clinton County Register of Deeds as an Ordinance affecting multiple properties, residential, commercial or industrial within the village limits of the Village of Elsie.
- (6) **Severability.** If any provision in this Ordinance is held to be invalid or unenforceable, it shall be ineffective only to the extent of that invalidity without affecting or impairing the validity and enforceability of the remainder of the provision or the remaining provisions of this Ordinance.
- (7) **Effective Date.** This Ordinance shall become effective twenty (20) days after its passage. (Effective date September 12, 2004.)

**Secs. 13-37--13-55. Reserved.**

**ARTICLE III.**

**SEWER USE REGULATIONS**

**DIVISION 1.**

**GENERALLY**

**Sec. 13-56. Definitions.**

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:

*B.O.D. (denoting biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which received the discharge from soil or waste, pipes such discharge inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside of the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

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

*Industrial wastes* means the liquid wastes, solids or semisolids from industrial, manufacturing processes, trade or business, as distinct from sanitary sewage.

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

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

*Properly shredded garbage* means 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 the village.

*Sanitary sewer* means a sewer which carries wastewater and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Sewer* means a pipe or conduit for carrying wastewater.

*Storm drain* or *storm sewer* means a sewer which carries stormwaters and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

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

*Village agent* means any designated representative of the village.

*Wastewater* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

*Wastewater treatment plant* means any arrangement of devices and structures used for treating wastewater.

*Wastewater works* means all facilities for collecting, pumping, treating and disposing of wastewater.

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

(Ord. No. 113, art. I, §§ 1--20, 10-8-79)

**Sec. 13-57. Powers and authority of inspectors.**

(a) The village agent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all premises served by the village at reasonable hours for the purpose of inspection, observation, measurement and sampling, to determine whether there is compliance with the provisions of this article. The owner, occupant, or other person in charge of the premises served by the village shall, upon presentation of proper identification, give the village agent entry and full access to every part of the premises. Denial of entry shall constitute a violation of this article.

(b) While performing the work on private properties referred to in subsection (a) of this section, the duly authorized employee of the village shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to such employees. The village shall indemnify the owner against loss or damage to its property by such employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such as may be caused by negligence or failure of the owner to maintain safe conditions as required in this chapter.

(c) If any owner, occupant or other person in charge of any premises fails or refuses to permit free access and entry to the premises under his control, or any part thereof, with respect to which an inspection authorized by this article is sought to be made, the village agent may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance, petition and obtain such order from a court of competent jurisdiction. Failure to comply with such an order shall constitute a violation of this article.

(Ord. No. 113, art. VI, §§ 1--3, 10-8-79)

**Sec. 13-58. 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 village.

(Ord. No. 113, art. V, § 1, 10-8-79)

**Sec. 13-59. Plugging of building sewer when use discontinued.**

If a building presently served by a building sewer is demolished or removed from its foundation and a new structure is not placed on the foundation, the building sewer shall be suitably plugged at the street property line.

(Ord. No. 113, art. IV, § 1, 10-8-79)

**Sec. 13-60. Penalties.**

(a) A penalty of up to five hundred dollars (\$500.00) may be assessed by the village against any person who does not comply with the sewer connection and use regulations in this article; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) Any person in violation of this article shall be given a written notice of violation by the village agent stating the specific violation noted. The notice shall advise the violator that the alleged violation will be submitted to the village council at its next regularly scheduled meeting or special meeting held in accordance with the open meetings act for hearing and disposition; shall advise the violator that he will be afforded an opportunity to present evidence on his behalf to rebut the violation or show excuse or mitigation, and examine the witnesses and evidence against him; and shall advise him that a penalty of up to five hundred dollars (\$500.00) may be assessed if the violation is shown to have occurred. The notice of violation shall be personally served at least four (4) days prior to the date of the meeting and shall specify the date, time and place of the hearing.

(c) In addition to any other penalty or legal remedy available to the village for a violation of this article, the village may, after hearing and determination of a violation, order all further services to the premises terminated until the premises are brought into compliance with this article.

(d) A copy of this article shall be given to each person who first becomes connected to the sewer system of the village, and copies shall be distributed by the agent of the village to all persons residing or owning property within any territorial limits of the village upon request. Each person who owns or resides in premises served by the village shall, by accepting such services or benefits, agree to become bound by this article and subject to the penalties for violation contained in this article. Permits issued for connection to the sewer system shall contain a notice to the applicant and owner that the acceptance thereof constitutes an agreement to be bound by this article and subject to the inspection provisions and penalties provided in this article.  
(Ord. No. 113, art. VII, §§ 1--4, 10-8-79)

**Secs. 13-61--13-70. Reserved.****DIVISION 2.****BUILDING SEWER CONNECTIONS****Sec. 13-71. Permit--Required.**

No unauthorized person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the village.  
(Ord. No. 113, art. II, § 1, 10-8-79)

**Sec. 13-72. Same--Form, fees, conditions.**

The permit for a building sewer connection shall be on such forms, on payment of such fees and in accordance with such conditions as shall be established from time to time by the village.

(Ord. No. 113, art. II, § 2, 10-8-79)

**Sec. 13-73. Same--Expiration and renewal.**

The permits issued by the village under this division shall be dated and shall expire thirty (30) days from the date of their issuance but may be renewable at the discretion of the village.

(Ord. No. 113, art. II, § 3, 10-8-79)

**Sec. 13-74. Same--Contents.**

The permit under this division shall show the location of the work, the extent of the work, information regarding the contractor, the owner and any other pertinent information as shall be determined necessary.

(Ord. No. 113, art. II, § 4, 10-8-79)

**Sec. 13-75. Responsibilities of owner, indemnification of village.**

All costs and expenses incident to the installation and connection to the public sewer by the building sewer shall be the responsibility of the owner. The repair, replacement and maintenance of the building sewer, including the portion on the street right-of-way shall be the responsibility of the owner. The owner or the persons installing the building sewer for the owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the sanitary sewer or building sewer.

(Ord. No. 113, art. II, § 5, 10-8-79)

**Sec. 13-76. Proof of payment of connection charge.**

Before any type of permit is issued for a connection to the sewer system, the applicant must show proof from the local unit of government for payment of a direct or indirect connection charge. The form of proof shall show that the owner has made a cash payment or the proper arrangements for financing for the connection charge.

(Ord. No. 113, art. II, § 6, 10-8-79)

**Sec. 13-77. Requirements, specifications.**

Building sewers shall meet the following requirements:

- (1) That portion of the building sewer lying in the area of a public street, alley or right-of-way shall be not less than six (6) inches in diameter. That part of

the building sewer between the street boundary and the building shall be not less than four (4) inches in diameter. Building sewers serving other than single-family dwellings such as multifamily dwellings, commercial buildings and industrial buildings shall be of adequate size for the expected wastewater flow.

- (2) The building sewer shall be constructed of either extra strength vitrified clay pipe with A.S.T.M. 425 joints, or cast iron soil pipe with "no hub" type joints or polyvinyl chloride (PVC) pipe type 1 schedule 40 A.S.T.M. D 1785 with solvent weld joints. Connections to the sewer stub and interior plumbing shall be made with suitable adaptors approved by the village. Cast iron soil pipe shall be used if the building sewer runs within ten (10) feet of a well.
- (3) The sewer shall be low air or water pressure tested from within five (5) feet of the building to the point of connection to the sanitary sewer system. The test pressure shall be three and one-half (3 1/2) pounds per square inch and held for five (5) minutes.
- (4) The minimum slope of a six-inch pipe shall be one-eighth inch per foot and for four-inch pipe shall be one-fourth inch per foot.
- (5) Building sewers shall be laid at a uniform grade and in a straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings with cleanouts located a maximum of ninety (90) feet apart.
- (6) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear 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 (1) building sewer.
- (7) Old building sewers or portions thereof may be used in connection with new buildings only when they are tested by the owner and found by the village agent to meet all requirements of these regulations.
- (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be closer than three (3) feet when laid parallel to any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the village agent. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications including surrounding the pipe with compacted sand, except

that no backfill shall be placed until the work has been inspected by the village agent.

- (9) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
- (10) The connection of the building sewer into the public sewer shall be made at the wye branch or manhole designated for that property, if such outlet is available at a suitable location. Any connection not made at the designated outlet in the main sewer shall be done in accordance with the sewer construction regulation.
- (11) The applicant for the building sewer shall notify the village agent where the permit was obtained when the building sewer is ready for inspection and connection to the public sewer. No part of the building sewer shall be covered prior to the testing and approval of all materials and workmanship by the village agent. A twenty-four-hour advance notice is normally required for an inspection.
- (12) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected directly to a public sanitary sewer.
- (13) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard in accordance with MIOSHA requirements. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village agent.
- (14) The village agent will post an "Approved" or "Disapproved" tag near the installation. A "Disapproved" tag shall be removed by a village agent after corrective work and reinspection.

(Ord. No. 113, art. II, § 7, 10-8-79)

**Secs. 13-78--13-90. Reserved.**

### **DIVISION 3.**

#### **USE OF PUBLIC SEWERS**

**Sec. 13-91. Discharge of stormwater, groundwater, etc., to sanitary sewer prohibited.**

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 water to any sanitary sewer.

(Ord. No. 113, art. III, § 1, 10-8-79)

**Sec. 13-92. Discharges to storm sewers, natural outlets.**

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 county drain commissioner. Industrial cooling or unpolluted process waters may be discharged, upon the approval of the county drain commissioner, to a storm sewer or natural outlet. (Ord. No. 113, art. III, § 2, 10-8-79)

**Sec. 13-93. Prohibited substances.**

No person shall discharge, cause or permit to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Those containing toxic or poisonous solids, liquids or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
- (3) Those having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow sewers, or other interference with the proper operation of the sewer works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. No. 113, art. III, § 3, 10-8-79)

**Sec. 13-94. Potentially harmful substances prohibited.**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the village that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance:

- (1) Any waters or wastes having a five-day BOD greater than two hundred (200) milligrams per liter;

- (2) Any waters or wastes containing more than two hundred fifty (250) milligrams per liter of suspended solids;
- (3) Any waters or wastes containing more than one thousand (1,000) milligrams per liter of total solids;
- (4) Any waters or wastes having a chlorine demand of more than fifteen (15) milligrams per liter;
- (5) Any waters or wastes having a daily average flow greater than two (2) percent of the average daily wastewater flow of the plant shall be subject to the review and approval of the village;
- (6) Any waters and wastes containing more than ten (10) milligrams per liter of iron as Fe;
- (7) Any waters or wastes containing a total phosphate content in excess of forty (40) milligrams per liter;
- (8) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);
- (9) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, will not exceed ten (10) milligrams per liter, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
- (10) Any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the village;
- (11) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- (12) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, nickel and similar objectionable or toxic substances; or wastes exerting excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the village to be established by village resolution;
- (13) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the village as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

- (14) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the authority in compliance with applicable state or federal regulations;
- (15) Any wastes or waters having a pH in excess of 9.5;
- (16) Materials which exert or cause:
  - a. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions);
  - b. Unusual B.O.D., chemical oxygen demand, phosphorus concentration or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant;
- (17) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (18) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.

(Ord. No. 113, art. III, § 4, 10-8-79)

**Sec. 13-95. Option of village to reject wastes, require pretreatment, etc.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in this division, and which in the judgment of the village 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 village 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 and sewer charges.

(Ord. No. 113, art. III, § 5, 10-8-79)

**Sec. 13-96. Approval of pretreatment facilities.**

(a) If the village permits the pretreatment 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.

(b) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the review and approval of the village who may seek review by the appropriate agency of the state. No construction of such facilities shall be commenced until the review has been completed and the proposed preliminary treatment facilities approved by the village.

(Ord. No. 113, art. III, §§ 6, 7, 10-8-79)

**Sec. 13-97. Maintaining treatment facilities.**

Where preliminary treatment facilities are provided for any wastes or waters, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. Any person required to utilize preliminary treatment facilities shall, upon the request of the village, submit to the authority records of samplings taken from waste discharges.

(Ord. No. 113, art. III, § 8, 10-8-79)

**Sec. 13-98. Control manhole.**

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 a manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 113, art. III, § 9, 10-8-79)

**Sec. 13-99. Measurements, tests, analyses.**

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this division shall be determined in accordance with 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 the control manhole. If 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 a building sewer is connected.

(Ord. No. 113, art. III, § 10, 10-8-79)

**Sec. 13-100. Special agreements.**

No statement contained in this article shall be construed to prevent any special agreement or arrangement between the village and any generator of industrial waste. Wastes of unusual strength or character may be accepted by the village for treatment, subject to payment therefor, by the industrial concern.  
(Ord. No. 113, art. III, § 11, 10-8-79)

**Secs. 13-101--13-120. Reserved.****ARTICLE IV.****RATE BASIS****Sec. 13-121. Definitions.**

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* (denoting *biochemical oxygen demand*) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter.

*Director* means the director of public works of the village.

*Industrial user* means any user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as now or hereafter amended or supplemented under the following divisions:

- (1) Division A - Agriculture, Forestry, Fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division E - Transportation, Communications, Electric, Gas, and Sanitary Services.
- (5) Division I - Services.

*ICR* means industrial cost recovery.

*Local costs* means those costs which are borne in their entirety by the village and include all expenses incurred up to the point of delivery to the regional system.

*Meter* means a device to measure the quantity of water or waste water passing through it.

*Normal concentrations* means:

- (1) A five-day, twenty-degree Celsius biochemical oxygen demand (BOD) of two hundred (200) milligrams per liter (mg/l);
- (2) A suspended solids (SS) content of two hundred fifty (250) mg/l.

*Operation and maintenance costs* means all costs for labor, power, chemicals, materials and supplies, replacements, contractual services, billing and administration chargeable to wastewater operations.

*Premise or premises* means a structure which cannot be completely divided in its present utilitarian condition through sale. The following examples of what is meant by premise or premises:

- (1) A building under one (1) roof, owned, leased or occupied by one (1) party as one (1) business or residence;
- (2) A combination of residential buildings or commercial buildings, leased or occupied by one (1) party in one (1) common enclosure;
- (3) The one (1) side of a double house having a solid vertical partition wall; or
- (4) A building owned by one (1) party having more than one (1) internal division such as apartments, offices, stores, etc., and which may have a common or separate entrance.

*Residential user* means any user introducing into the sewer system domestic strength wastes from a premise used for family living.

*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 laboratory filtering.

(Ord. No. 114, § 2, 12-10-79)

### **Sec. 13-122. Establishment.**

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the village, that public sanitary sewer collection and disposal facilities comprising a part of Clinton County Sanitary Sewage Disposal System No. 5 (Village of Elsie), serving residents of the Village of Elsie, be operated on a public utility rate basis in accordance with the provisions of Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.), as amended, and applicable federal regulations.

(Ord. No. 114, § 1, 12-10-79)

**Sec. 13-123. Supervision.**

The operation and maintenance of the system shall be under the supervision and control of the village, subject to the terms of an agreement dated October 23, 1980, between the village and the county. Pursuant to the terms of such agreement, the village is to operate and maintain the system, and the village may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of rates and charges for the use thereof.

(Ord. No. 114, § 3, 12-10-79)

**Sec. 13-124. Sewer use charges and rates generally.**

Each premises abutting a public gravity sanitary sewer line within the village which is required to connect to the sanitary sewer line by the provisions of this chapter shall pay a use charge based on the rates set forth in this section. Such charges shall be due and payable and commence as of the date the premises are connected to the system.

(Ord. No. 114, § 4, 12-10-79)

**Sec. 13-125. Development of user charges.**

(a) The wastewater service charge for the use of and for service supplied by the wastewater facilities of the village shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

(b) The operation and maintenance costs, replacement costs and debt service costs shall be computed as follows:

- (1) Estimate the projected annual expenditures required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories;
- (2) Proportioned the estimated costs of the wastewater facility categories by volume, suspended solids and BOD, if possible;
- (3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;
- (4) Proportion the estimated costs to nonindustrial and industrial users by volume, suspended solids and BOD;
- (5) Compute costs per one thousand gallons of metered water used for normal sewage strength;
- (6) Compute surcharge costs per pound in excess of normal sewage strength for BOD and SS;

- (7) The debt service charge shall be computed by dividing the annual debt service of all outstanding loans by the number of users. Through further divisions, the monthly debt service charges can be computed.

(Ord. No. 114, § 4-1, 12-10-79)

**Sec. 13-126. Basis of billing charges.**

The basic user charge for wastes having normal concentrations shall be based on either:

- (1) *Premises connected to the village water systems:* Water usage as recorded by water meters;
- (2) *Premises not connected to the village water systems:*
  - a. A flat rate which shall be set by the council to reflect average sewer usage; or
  - b. A meter may be installed at the request of the owner, and at his expense, on the private water supply. All installation, repairs, maintenance and other service costs shall be paid for by the owner.
- (3) *Installation of sewage meter.* At the discretion of the owner of the premises and at the owner's cost, a sewage meter may be installed in the sewer line of the premises which shall be used to establish the use charges and any other applicable rates. The meter shall be of the type approved by the director. All installation, repairs, maintenance and other service costs shall be paid for by the owner. During periods when the meter is deemed inaccurate or is out of service, the rate structure shall revert to previous averages based on village records or on the basis of metered water.

(Ord. No. 114, § 4-2, 12-10-79)

**Sec. 13-127. Surcharges.**

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the two hundred (200) mg/l and two hundred fifty (250) mg/l concentration for BOD and SS, respectively.

(Ord. No. 114, § 4-3, 12-10-79)

**Sec. 13-128. Industrial cost recovery.**

(a) When an industrial user, as defined in 40 C.F.R. 35.905-8, requests connection to the public sewage collection and disposal system, an industrial cost recovery system must be developed in accordance with 40 C.F.R. 35.928.

(b) Any user discharging less than the equivalent of twenty-five thousand (25,000) gallons per day shall be exempt from ICR provided its waste discharge does not contain pollutants which:

- (1) Are toxic or incompatible;
- (2) Interfere with treatment works processes; or

(3) May otherwise contaminate or reduce the utility of the sludge.  
(Ord. No. 114, § 4-4, 12-10-79)

**Sec. 13-129. Review of rates.**

The adequacy of the wastewater service charge shall be reviewed biannually by certified public accountant for the village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs in accordance with applicable federal regulations.

(Ord. No. 114, § 4-5, 12-10-79)

**Sec. 13-130. Other fees and charges.**

In addition to the user charges established in this article, users of the system shall pay for the privilege of connecting to the system, due and payable at the time the application is made for connection to the system, charges as follows:

- (1) *Roadway cutting fee and permits.* When a connection is required to a sanitary sewer located within the public right-of-way where no service lateral has been installed to the property line, there shall be a street cutting permit obtained from the director. At the time such permit is obtained, a fee shall be collected, the fee to cover the cost of restoring the street to its original condition. The permit shall be obtained and the fee paid at the time the application is made for the connection, with all fees being deposited in the street funds of the village.
- (2) *Connection fee.*
  - a. *Direct connection.* For each direct connection to the lines of the system there shall be charged a fee of:
    1. For premises located within the village, a fee of one thousand three hundred dollars (\$1,300.00) per single-family residence equivalent.
    2. For premises located outside the village, a fee of two thousand four hundred dollars (\$2,400.00) per single-family residence equivalent.

b. *Indirect connection.* In order to defray the proportioned share of the necessary oversizing of trucks and pumping stations, for each indirect connection to the system there shall be charged a fee of:

1. For premises located within the village, a fee of six hundred fifty dollars (\$650.00) per single-family residence equivalent.
2. For premises located outside the village, a fee of one thousand two hundred dollars (\$1,200.00) per single-family residence equivalent.

An indirect connection shall be defined as one made to lines added to the system after its original construction, the cost of which is paid from special assessments or private funds.

c. *Minimum connection fee.* Premises other than a single-family residence shall pay either a direct or indirect connection charge by the following procedure. Multiple residence: one thousand three hundred dollars (\$1,300.00) connection charge, covering one (1) unit, six hundred fifty dollars (\$650.00) for each remaining unit or apartment. Commercial business: one thousand three hundred dollars (\$1,300.00) connection for business, six hundred fifty dollars (\$650.00) for each apartment or business. Double commercial business: one thousand three hundred dollars (\$1,300.00) for one (1) business, six hundred fifty dollars (\$650.00) for each additional business. Factory and schools will be charged a fee set by a resolution to the village council. In no instance shall any home or business pay less than one (1) single-family connection fee of one thousand three hundred dollars (\$1,300.00).

d. *Payment of connection charges.* Connection charges as set forth in this section shall be due and payable in cash upon application for connection to the system, or the charges may be payable in twenty (20) annual installments with interest at the annual rate of six (6) percent per annum on the unpaid balance. If the charges are paid in installments, the first installment of the connection charge shall be payable upon application for connection, and all subsequent installments plus interest shall be payable annually on July 1 of each year with the normal village taxes.

(Ord. No. 114, § 5-2, 12-10-79)

**Sec. 13-131. Establishment of charges.**

The use rates, special rates and any fees and/or surcharges to be imposed by this article shall be in accordance with the respective schedule for such charges, as established by the council from time to time.

The following schedule of sewer rates is hereby established and shall be charged by the sewer department:

0 through 3,000 gallons, minimum charge . . . . . \$16.95

4,000 gallons and up, per 1,000 gallons . . . . . \$6.75

Nonresident (per month) . . . . . \$16.95

(Ord. No. 114, § 5-3, 12-10-79; Ord. No. 114-A, § I, 6-2-97; Mo. of 10-23-00) Non-resident rate change effective date May 31, 2009.)

**Sec. 13-132. Enforcement.**

(a) Responsibility for and payment of bills. The owners of a premises receiving sewer service shall be responsible for the timely payment of all sewer service rates and charges for that service, and any unpaid rates and charges shall become a lien upon the property of the premises served in accordance with applicable Michigan law. If, however, a tenant or land contract purchaser is responsible for the payment of sewer rates and charges, the village must be so notified in writing signed by: (i) both the landlord and tenant and shall include a true copy of the lease of the affected premises showing that the tenant is responsible for payment of the sewer rates and charges of the premises being rented; and (ii) the land contract seller and purchaser where the premises is being purchased by land contract. Upon receipt of such notification, the sewer rates and charges shall not become a lien against the property or premises served from and after the date of such notice. In the event of filing the notice, no further service to the premises will be provided unless and until a cash deposit of one hundred dollars (\$100.00) for water and sewer service has been deposited with the village as security for the payment of such rates and charges. The deposit shall be applied to any bill for sewer service more than thirty (30) days delinquent. This shall not relieve the fee owner of responsibility for any fees or charges in excess of said deposit. Where service has been terminated for nonpayment of charges for service, no further service shall be rendered until the user shall deposit cash with the village in the amount of one hundred dollars (\$100.00).

The deposit in the case of the tenant shall be returned, less any balance due, when service is discontinued. In the case of land contract purchaser, the deposit shall be returned less any balance due when service is discontinued, or when the purchaser obtains a deed for the premises.

(b) In addition to the foregoing, the village shall have the right to shut off sewer service to any premises for which charges for sewer service are not paid by the last day of each month, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the village council, have been paid. Further, such charges and penalties may be recovered by the village by court action. (Ord. No. 114, § 5-4, 12-10-79; Ord. of 10-26-98, § 2; Mo. of 2-11-02)

**Sec. 13-133. Free service.**

No free service shall be furnished by the sanitary sewer system to any person or to any public agency or instrumentality.

(Ord. No. 114, § 6, 12-10-79)

**Sec. 13-134. Mandatory connection to 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 originate 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 sewerage originates are situated or become situated and to which sewer services of the system shall be available shall connect to the system within ninety (90) days after the mailing or posting of notice to such premises by the appropriate village official that such services are available. Such notification and enforcement of this section shall be in conformity with Act No. 288 of the Public Acts of Michigan of 1972.

(Ord. No. 114, § 7, 12-10-79)

**Sec. 13-135. Funds and accounts of system.**

The system shall be operated on the basis of an operating year commencing on April 1 and ending on March 31 of the following year.

(Ord. No. 114, § 8, 12-10-79)

**Sec. 13-136. Billing.**

Bills will be rendered monthly on the first day of each month, and payable without penalty by the twentieth of each month. Payments received after such period shall bear a penalty of ten (10) percent of the amount of the bill.

(Ord. No. 114, § 8-1, 12-10-79; Mo. of 1-8-01)

**Sec. 13-137. Deposit of monies.**

The treasurer of the village shall be custodian of all monies of the village belonging to or associated with this system, and such monies shall be deposited in any Michigan bank, duly designated by the council, which is insured by the Federal Deposit Insurance Corporation.

(Ord. No. 114, § 8-2, 12-10-79)

**Sec. 13-138. Funds and accounts.**

(a) The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in Michigan, a bank duly qualified to do business in Michigan, in an account to be designated "Sewer System Receiving Fund" (for brevity, referred to in this article 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.

- (1) *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 sewer system in good repair and working order.
- (2) *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 the fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay such contractual obligations.
- (3) *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 such 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.
- (4) *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 such fund, after providing for the foregoing fund, such revenues as the village council shall determine.
- (5) *Surplus monies.* Monies remaining in the receiving fund at the end of any operating year, after the full satisfaction of the requirements of the foregoing funds, may, at the option of the village council, be transferred to the improvement fund or in case of emergency, may be used for such purpose as the village council may determine to be in the best interests of the village.

- (6) *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one (1) 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.

(b) If the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance funds, any moneys and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies, shall be transferred to the operation and maintenance fund, to the extent of any deficit therein.

(c) 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 Act No. 94 of the Public Acts of Michigan of 1933, as amended. If such investments are made, the security representing the investments shall be kept on deposit with the bank or trust company having on deposit the funds from which such purchase was made. Income received from such investments shall be credited to the fund from which the investments were made.

(Ord. No. 114, §§ 8-3, 8-4, 12-10-79; Ord. No. 123, § 2, 10-22-84)

#### **Sec. 13-139. Hardship exemption of charges.**

The owner of any premises which has been assessed any charges under this article or any other ordinances with regard to the sewer system may submit a hardship application to the village seeking a deferment in the partial or total payments of the charges, based upon a showing of financial hardship subject to and in accordance with the following:

- (1) The owner of the premises shall complete a hardship application provided by the council and file the application together with all other information and documentation reasonably required by the village, with the council not less than sixty (60) days prior to the date of the annual installment due. Any such deferment shall be for that annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises so assessed, excepting financial institutions having a security interest in the premises.
- (2) Hardship applications shall be reviewed by the council, and, after due deliberation of hardship applications, the council shall determine in each case whether there has been an adequate showing of financial hardships and shall forthwith notify the applicant of the determination.
- (3) An applicant aggrieved by the determination of the council may request the opportunity to appear before the council in person for the purpose of showing hardship and presenting any argument of additional evidence. Denial of hardship following such a personal appearance before the council shall be final and conclusive.

- (4) If the council makes a finding of hardship, the council shall fix the amount of deferment of partial or total charges so imposed and, in so doing, shall require an annual filing of financial status by each applicant, provided that upon any material change of the financial status of an applicant, the applicant shall immediately notify the assessor so that a further review of the matter may be made by the council, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one (1) of the following events:
- a. Change of the applicant's financial status which removes the basis for financial hardship;
  - b. Any conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
  - c. A death of any of the applicants.
- (5) Upon receiving a determination of the council deferring partial or total charges imposed, the owners of the premises shall, within one (1) month, execute a recordable security interest on the premises to the village as the secured party, payable on or before the death of any of the applicants, or in any event, upon any transfer of the premises. Such security interest shall be in an amount necessary to cover all fees and charges required under this article, the consideration for the security interest being the grants of deferment pursuant to this article.

(Ord. No. 114, § 9, 12-10-79)

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