

**SEWER USE ORDINANCE 1 of 2005**

**FOR**

**SUTTONS BAY, MICHIGAN**

**THE VILLAGE OF SUTTONS BAY HEREBY ORDAINS:**

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## ARTICLE I

### DEFINITIONS

Section 1: For purposes of this ordinance, and unless the context specifically indicates otherwise, the meaning of words and terms used in this ordinance shall be as follows:

(1) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized by micro-organisms in the biochemical oxidation of organic matter in wastewater under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°), expressed in milligrams per liter.

(2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharges from waste drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined Sewer" shall mean a sewer intended to receive any combination of sanitary sewage, storm water, industrial wastes, and uncontaminated industrial wastes.

(5) "Compatible Pollutant" shall mean any pollutant which can be treated and removed to a substantial degree in the wastewater treatment plant. Such pollutants are usually designated by biochemical oxygen demand, suspended solids, pH, fecal coliforms, phosphorus and its compounds, and nitrogen and its compounds.

(6) "County" shall mean Leelanau County.

(7) "Debt Service" shall mean the interest and principal payments required to repay monies borrowed to construct the wastewater collection, treatment and disposal systems.

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

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

(10) "Domestic Wastewaters" shall mean liquid wastes normally emanating from residential living units and resulting from the day to day activities usually considered to be carried on in a domicile. Wastes emanating from other users and which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

(11) "Footing Drain" shall mean a buried pipe surrounding the building for the purpose of draining groundwater away from the building footing.

(12) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from handling, storage and sale of produce.

(13) "Grease" shall mean the melted or rendered fat of animals, especially when in a soft state.

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

(15) "Incompatible Pollutant" shall mean any pollutant that a sewage treatment plant is not designed to treat and therefore, is not effectively removed from the wastewater.

(16) "Industrial Cost Recovery" shall mean the payments required from each industrial user to recover that portion of the Federal Grant attributable to the costs of construction of the treatment works allocable to the treatment of industrial wastes.

(17) "Industrial Wastewaters" shall mean the liquid wastes from industrial processes and any manufacturing establishment which provides a product from raw or purchased material, hospitals, and nursing homes. This category shall also refer to any user of the publicly owned treatment works identified in the Standard Industrial Classification Manual, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other user classes. A user may also be excluded from the "Industrial User" class if it is determined that such user will discharge only segregated domestic wastes.

(18) "Infiltration/Inflow" shall mean water that enters a sewer system through broken or leaky pipes and manholes or through illegal roof or footing drains and catch basins connected to the sanitary sewer.

(19) "Inspector" shall mean a person designated by the Village to perform inspection work on public utility construction and private construction that affects public utilities.

(20) "NPDES Permit" shall mean National Pollution Discharge Elimination System Permit. According to the Federal Water Pollution Control Act, as amended by Public Law 92-500 and Public Law 95-217, it prohibits any person from discharging pollutants into a waterway from a point source unless the discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved state agency.

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

(22) "Normal Strength Domestic Wastewater" will be taken to mean wastewaters which have a BOD of 200 milligrams per liter, suspended solids of 200 milligrams per liter, phosphorus of 7 milligrams per liter, have a pH of between 6.0 and 9.0, and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process.

(23) "Oil" shall mean oil of any kind, in any form including but not limited to petroleum, fuel oil, sludge and oil refuse, gasoline, grease and oil mixed with waste.

(24) "Operation and Maintenance" shall mean the satisfactory provision for assuring proper and efficient functioning of the treatment works, all work, materials, equipment, utilities, and other effort required to operate and maintain the wastewater transportation and treatment systems consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations and includes the cost of replacements.

(25) "Other Wastes" shall mean garbage, refuse, decayed wood, bark and other wood debris, wastes from industrial processes and other substances which are not included within the definitions of domestic and industrial wastewaters.

(26) "Owner" means the owners or owner of the freehold of the premises of lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.

(27) "Permittee" or "Permit Holder" shall mean any person who owns, operates, possesses or controls an establishment or plant being operated under a valid industrial waste permit to discharge waste into the sewer system of the service area.

(28) "Person" shall mean any individual, firm, trust, partnership, company, association, society, corporation or group.

(29) "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

(30) "Pollution" shall mean the placing of any noxious or deleterious substance in any waters of Leelanau County in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or aquatic life, or property, or reasonably interfere with the enjoyment of life or property, including outdoor recreation.

(31) "Pretreatment" shall mean treatment of waste waters at the sources prior to their introduction into the sewerage system.

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

(33) "Producer" shall mean any person who owns, operates, possesses, or controls an establishment or plant, whether or not a permittee.

(34) "Properly Shredded Garbage" shall mean garbage that has 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 (1/2) inch or 1.27 centimeters in any dimension.

(35) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and that is owned and maintained and controlled by Village authority.

(36) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.

(37) "Roof Drain" shall mean a system for collection of precipitation which falls on the building roof and includes roof gutters and downspouts.

(38) "Sanitary Sewage" (wastewater) shall mean the liquid or water-carried waste from sanitary plumbing facilities and characterized by a composition typical of the wastes from an average residential condition.

(39) "Sanitary Sewer" shall mean a sewer which carried sewage and to which storm, surface and ground waters are not intentionally admitted.

(40) "Service Area" shall mean any land area in the SUTTONS BAY, Michigan planning area which is serviced by the wastewater collection and treatment facilities under the jurisdiction of the Village of SUTTONS BAY.

(41) "Sewage" shall mean 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.

(42) "Sewage Treatment Plant" shall mean any arrangement of equipment and structures used for treating sewage.

(43) "Sewage Works or System" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(44) "Sewer Use Charge" shall mean the fees billed to all customers attached to the public sewer for support of the costs of the sewage works. The user charges supply funds to cover the costs of operation and maintenance, debt service, replacement and administrative services.

(45) "Sewer" shall mean any pipe, tile, tube or conduit for carrying sewage.

(46) "Shall" is mandatory; "May" is permissive.

(47) "Slug" shall mean 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 5 times the average 24-hour concentration or flow rate during normal operation.

(48) "Standard Methods" shall mean the most recent edition of Standard Methods of the Examination of Water and Wastewater, published by the American Public Health Association, a copy of which is on file with the Village.

(49) "Storm Sewer" or "Storm Drain" shall mean a sewer intended to carry only storm waters, surface runoff, street wash water, sub-soil drainage, and non-contact cooling water.

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

(51) "Surface Waters" shall mean water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

(52) "Suspended Solids" (SS) shall mean 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.

(53) "Tenant" means a person who leases property from an owner.

(54) "Test Methods (Standard Methods)" shall be as specified in the latest edition of Methods for Chemical Analysis of Water and Waste, U.S. EPA: Standard Methods for the Examination of Water and Wastewater,

(55) "User" shall mean any person, establishment or owner who discharges any domestic sewage or industrial waste into the sanitary sewer system of the service area.

(56) "User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance and replacement of such works.

(57) "Village" shall mean the Village of SUTTONS BAY, Michigan.

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

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

(60) "Water Quality Standard" shall mean the maximum allowable amount of various foreign substances in the water to be discharged.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

Section 1 - Unlawful Discharge: It shall be unlawful for any person to place, discharge or permit to be discharged on public or private property within the Village of Suttons Bay, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage which has been processed by a garbage disposal unit, or other waste or wastewater, unless licensed to do so by the Village, except when such discharge is into the Village sanitary sewer system by a lawful connection.

Section 2 - Discharge to Natural Outlet: It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse, natural outlet, or artificial watercourse within the service area or in any area under the jurisdiction of the Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the standards of the Department of Environmental Quality of the State of Michigan.

Section 3 - Private Wastewater Disposal: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4 - Mandatory Connection:

- (a). The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the service area 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 sewer of the Village, is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing code then in effect and enforced within the Village and to connect such facilities directly with the proper public sewer and/or public water system in accordance with the provisions of this article within ninety (90) days after the owner is required by the Leelanau County Public Health Department to replace any septic tank, drainfield, or water well.
- (b). Said notification and enforcement of this Section shall be in conformity with Article 12, Part 127 of the Public Health Code, being a part of Act 368 of the Public Acts of 1978.

Section 5 - Unlawful Use: No person shall discharge any waste or other substance directly into a manhole, catch basin or sewer inlet except when approved by the Village. All discharges to the sewer shall be through a sewer connection. Nothing in this provision shall restrict the use of catch basins for stormwater in the storm sewer system.



## Section 6 - Industrial Discharge:

- (a). When the nature of the enterprise may create a potential environmental problem, including: all categorical industrial users as defined Title 40 of the Code of Federal Regulations; Any noncategorical industrial user that (a) discharges 25,000 gallons or more per day of process wastewater, or (b) contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or (c) has a reasonable potential, in the opinion of the Village, to adversely affect the Treatment Works (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of Treatment Works workers, the Village may require each person, industry or structure which applies for and receives sewer service, to file the information listed below with the Village Superintendent of the Department of Public Works:
- (1). A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
  - (2). 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.
  - (3). A plan for sampling, testing, and filing of reports with the Village regarding the appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Village.
  - (4). A plan to place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been approved by the Village.
- (b). Any industry that plans to discharge a process waste, may be required by the Village to construct a permanent monitoring structure at the point of discharge to the sanitary sewer, storm sewer or natural watercourse under the following terms and conditions:
- (1). The design of the structure shall be approved by the Village before installation.
  - (2). The structure shall be constructed by the industry at its expense.
  - (3). The monitoring station shall be maintained in good operating condition by the industry at its expense. Any break in the operation of the station will require a written report stating the reason for the stoppage and a schedule of repair.
  - (4). Adequate access shall be maintained to the monitoring structure at all times to enable the Village to collect samples and flow records.

- (c) The Village may reject sewer service if the constituents of the discharge are found to be incompatible with the treatment process or works.

## ARTICLE III

### PRIVATE SEWAGE DISPOSAL

Section 1 - Non-availability of Sewer: Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system in accordance with the provisions of this article, in compliance with State law and the Leelanau County Sanitary Code currently administered by Leelanau County Public Health Department where applicable.

Section 2 - Private Disposal Permit: No person shall construct or install a private sewage disposal system without first applying to the Leelanau County Public Health Department and obtaining a written permit to construct and operate such a system. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the health department official, who shall be allowed to inspect the work at any stage of construction.

Section 3 - Location of Private Sewage Disposal Systems: Where private sewage disposal systems are constructed they must be located at least fifty (50) feet from any surface water, natural or artificial drain or open joint, or tile drain unless otherwise approved by Leelanau County Public Health Department. All installations shall comply with existing state laws and regulations and with the Leelanau County Sanitary Code then in effect.

Section 4 - Required Abandonment of Private Facilities: At such time as a mandatory connection is required under Article II, Section 4, any remaining septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. All filling and demolition shall be subject to the approval of the Leelanau County Public Health Department.

Section 5 - Continual Operation: The owner of a private sewage disposal facility shall maintain and operate such facility in a sanitary manner at all times in compliance with the Leelanau County Sanitary Code and at no expense to the Village.

Section 6 - Additional Requirements: No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Village or the Leelanau County Public Health Department with respect to private sewage disposal.

## ARTICLE IV

### BUILDING SEWERS AND CONNECTIONS

Section 1 - Unlawful Procedure: It shall be unlawful for any unauthorized person or owner to uncover, excavate, tap into, make connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof in any street, lane, or alley within the service area without first obtaining a written permit from the Village as herein provided.

Section 2 - Authorization: All connections with any sewer in the service area shall be made only pursuant to written permits issued by the Village. The owner or his agent shall make application on a special form furnished by the Village Clerk. The Village Council may by separate resolution provide for permit and inspection fees which shall be paid to the Village Clerk at the time the application is filed.

Section 3 - Costs: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of the property. The owner shall indemnify the Village from all loss or damage that may be caused by the installation of the building sewer.

Section 4 - Plans and Specifications:

- (a). All applicants for sewer connection permits shall, when required, submit plans and specifications of all plumbing construction within and outside such building or premises and such plans and specifications shall meet the requirements of the local and state plumbing codes, the Leelanau County Sanitary Code, and all orders, rules and regulations of the Leelanau County Public Health Department. The approval of a connection permit shall also be contingent upon the availability of capacity in all downstream sewer, lift stations, force mains, and the sewage treatment plant including BOD and suspended solids capacity. When such plans and specifications have been approved by the Village or by such officials as they may designate, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.
- (b). Before the issuance of a permit to a person proposing to connect to and discharge non-domestic waste into the sewer system, the Village may require the applicant to submit a schedule for the construction of the sewer connection outlining when various components of the project will be completed. If the Village requires such a construction schedule, the timetables outlined in the schedule shall be maintained as a condition of the continued validity of the permit, unless extensions are granted in writing by the Village.
- (c). Final approval will be subject to compliance with the local and state plumbing codes, the Leelanau County Sanitary Code, and all orders, rules and regulations of the Leelanau County and Michigan Departments of Public Health.

### Section 5 - Sewer Requirements:

- (a). All sewer connections shall be made with approved sewer pipe not less than 6 inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of a representative of the Village; the connection shall be made by a saddle device approved by the Village. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations and codes governing plumbing in the Village in accordance with the laws of Michigan relative thereto.
- (b). 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (c). 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 local and the state plumbing codes. Procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 also shall apply.
- (d). Building sewers lying within 75 feet of a private water well or 200 feet of a municipal water well shall be constructed of special materials as specified by the Michigan Department of Environmental Quality and/or the Leelanau County Sanitary Code.
- (e). A building sewer shall be laid straight at a uniform grade. Only long radius elbows shall be used for changing alignment. Cleanouts on long building sewers shall be installed at approximately 100 foot intervals, at locations where the alignment is changed, and where required by the Village.
- (f). Where rock or hard clay excavation is required, a six inch sand or gravel cushion shall be placed around the pipe.

### Section 6 - Inspection:

- (a). The applicant for a building sewer permit shall notify the Village when the building sewer is ready for inspection. The Village or a designated representative shall then inspect the building sewer and if such construction meets the requirements of the building sewer permit, the applicant may backfill the excavation.
- (b). Upon final approval of any sewer connection, all sewer supports, the testing or backfilling of the sewer, including material and other elements contingent on completion of installation, shall comply with local and state plumbing and Leelanau County Building codes.

Section 7 - New Use of Existing Sewers: Existing building sewers may be used in connection with new buildings only when they are found, by a representative of the Village, to meet all requirements of this article.

Section 8 - Prohibited Surface Runoff Connections: No person or owner shall make connection to roof downspouts, areaway drains, or other sources of surface runoff, or to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9 - Prohibited Groundwater Connections: Exterior footing drains or other sources of groundwater shall not be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 10 - Maintenance:

- (a). The person whose sanitary sewer is connected to a public sewer is responsible for the maintenance of the sewer line from the wye in the trunkline public sewer to the most remote fixture or structure on his property. The cost of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Before making any repairs or replacements or conducting any maintenance, the owner shall apply for a permit to perform such work from the Village. All work performed, including the qualifications of the person performing the work, shall fully comply with the requirements of this article.
- (b). No person or company shall enter or complete any maintenance or repair beyond the wye in the public sewer until a representative of the Department of Public Works has first inspected the site and determined the maintenance or repair is justified or necessary. Unless otherwise instructed, only the Village's Department of Public Works is authorized to complete any and all repairs or maintenance within the public's portion of the sewer system.

Section 11 - Excavation in Village or County Streets:

- (a). Whenever a person desires to do any excavating in any of the rights-of-way, streets, lanes or alleys of the service area for the purpose of connection with a sewer, maintenance or repair, a permit for such excavation shall be obtained from the Village. The Village Council may from time to time by separate resolution establish a non-refundable administrative fee for processing the excavation permit. The permit shall be non-transferrable. The person employed to make the connection to the sewer shall hold a Plumbing License or a Sewer Installer License in accordance with state and local codes. The qualifications of the persons employed to do work shall be verified at the time of application. A person who is authorized to excavate pursuant to the permit shall furnish a bond to the Village in an amount acceptable to the Village Council taking into account the nature and extent of the excavation and in a form acceptable to the Village Attorney, conditioned for the faithful performance of the requirements of all the Village ordinances relative thereto.

- (b). All expenses for work done by the employees of the Village shall be borne by the person to whom the excavation permit is issued. Applications for excavations in paved streets shall state the maximum size of the opening to be made in the pavement and the length of time desired to do such work.

Section 12 - Backfill Requirements: When connections are to be made with any sewer in any street, the earth and other debris excavated for this purpose shall be removed from the street and the trench backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly packed in place. The backfill shall be finished to the same grade as the original surface. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. Where the existing roadway is paved, the person charged with the duty of backfilling shall repave the trench to the same grade as the original pavement under the supervision of the Village Superintendent of the Department of Public Works no less than thirty (30) days and no more than sixty (60) days after the backfill is placed. The person charged with the duty of constructing or installing said underground work and backfilling shall be required to make frequent inspections of all trenches for which they are responsible and to maintain the same as herein provided. In case of failure to maintain trenches and backfill in such condition, the Village is authorized by this article to make the necessary repairs and charge the total cost against the person responsible for the same. For the purpose of the sand or gravel backfill as required herein, the excavated material shall not be used except after securing written permission from the Village.

Section 13 - Time Limit on Open Trench: The person, or owner causing any excavation or trench to be made in any public street or thoroughfare in the service area shall be required to backfill and replace the trench as herein provided within a period of three days, after work of excavating has been started, unless written permission is granted by the Village to allow the trench to be open for a longer period of time. In case of the failure to promptly refill any trenches within a period of three (3) days, the Village shall have the right to cause the same to be refilled, and the expense shall be charged against the person, or owner responsible for backfilling.

Section 14 - Barricade Requirements: Every person digging or causing to be dug any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along such trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be dug so as to entirely block any street for travel, without the consent of the Village. All barricading shall be done in accordance with the Village's Department of Public Works requirements. In case of the failure to properly barricade or light such excavations or trenches, the Village is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the person responsible for the opening. It shall not be necessary for the Village to notify the person responsible for such trenches in public streets or thoroughfares, before undertaking any such work which is necessary for the safety and convenience of the public. The failure on the part of persons installing such trenches to promptly pay all bills incurred by the Village doing such work, shall be grounds for refusing to issue further permits for excavations in the streets.

Section 15 - Work on Private Property: Excavation and backfill for building sewers on private property may be made by the owner. Connections and installation of the building sewer on private property may be made by the owner; however, no backfill shall be placed until the pipe in place has been inspected and approved by a representative of the Village. All excavation, backfilling, connections and installations shall be made in accordance with the requirements of this article.

Section 16 - Permit Information: The Village shall keep a record of all permits granted under authority of this article which shall include the names of the applicant and contractor, the location of the work, the place in the street where the excavation is to be made, and the purpose for which the permit is issued.

Section 17 - Village Utilities Outside Village Limits Prohibited: No property located outside the village limits may be serviced by village sewer and water utilities, except those properties already receiving such utility service on the effective date of this Ordinance, without proper and lawful means.



## ARTICLE V

### USE OF PUBLIC SEWERS

Section 1 - Limits: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer. Use of public sewers shall be limited to those discharges that are not harmful to the Village of Suttons Bay sewage treatment plant. In the event that natural or man-made occurrences are detrimental to the sewage system or to the public health and welfare of the community, industrial wastes would be prohibited, wholly, or in part, at any time.

Section 2 - Storm water: Storm water and all other unpolluted drainage shall be discharged to a natural outlet approved by the Village in compliance with rules and procedures of various agencies of the State of Michigan. Unpolluted industrial cooling water or unpolluted process waters may be discharged, upon approval of the Village, to a natural outlet. The Village has the right to exclude industrial or commercial waste in whole or in part, for any reason.

Section 3 - Prohibited Discharge: Except as herein provided, no person shall discharge or cause to be discharged any of the following described waters or wastes, directly or indirectly to any public sewer:

(a). Broadly, any water or waste that may cause damaging, hazardous or unhealthful effects by:

- (1). Reacting chemically, either directly or indirectly, with the sewage system.
- (2). Having a mechanical action that will destroy or damage the sewage system.
- (3). Reducing the hydraulic capacity of the sewage system.
- (4). Restricting the normal inspection or maintenance of the sewage system.
- (5). Placing "unusual demands" on the sewage system or process.
- (6). Limiting the effectiveness of the sewage system.
- (7). Being dangerous to public health or safety.
- (8). Overloading the sewage system.

(b). Any specific waste:

- (1). Having a pH below 5.5 or above 9.5;
- (2). Containing more than 10 mg/l of the following gases: hydrogensulfide, sulphur dioxide, oxides of nitrogen, or any of the halogens;

- (3). Containing gasoline, benzene, naphtha, fuel oil, or any explosive liquid, solid or gas;
- (4). Pollutants which create a fire or explosive hazard in the treatment facility, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (5). Having a temperature below 35°F or above 150°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6). Containing grease or oil or other substances that will solidify or become viscous at temperatures below 100°F;
- (7). Containing insoluble substance in excess of 10,000 mg/l;
- (8). Containing total solids (soluble or insoluble substance) in excess of 20,000 mg/l;
- (9). Containing soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity;
- (10). Containing insoluble substance having a specific gravity greater than 2.65;
- (11). Containing insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than one-half (1/2) inch;
- (12). Containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals;
- (13). Having a chlorine demand greater than 15 mg/l in 30 minutes;
- (14). Containing more than 5 mg/l of any antiseptic substance;
- (15). Containing phenols in excess of 1.0 mg/l or as approved by the Michigan Department of Environmental Quality;
- (16). Containing any toxic or irritating substance which will create conditions hazardous to public health and safety;
- (17). Containing grease, oil or any oily substance exceeding 100 mg/l;
- (18). Containing radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use;

- (19). Being of sufficient flow or concentration or both to be defined as a "slug" under this ordinance;
- (20). Containing any sludge or precipitates or extractions resulting from any industrial or commercial treatment or pre-treatment of any wastes of such;
- (21). Containing any wastes of such character and quantity that unusual attention or expense is required for processing;
- (22). Having discharge concentrations of incompatible pollutants exceeding the standards of the latest published guideline established by the state and federal governments for the effluent of the Village treatment plant as provided in this ordinance;
- (23). Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (24). Containing any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (25). Containing any water and/or waste not complying to all NPDES permit requirements, pretreatment standards, and all other unspecified state and federal regulations;
- (26). Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (27) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the discharge permit;
- (28) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Village;
- (29) Medical wastes, except as specifically authorized by the Village in a wastewater discharge permit;
- (30) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(31) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(32) The following pollutants shall have limitations set forth to comply with current State and Federal discharge standards to protect against pass through and interference. All concentrations are in mg/l:

Arsenic	0.5	benzene	??
Beryllium	??	cadmium	0.1
Chromium	2.0	copper	??
Cyanide	1.0	lead	0.5
Mercury	non detect.	nickel	2.5
Selenium	??	silver	0.3
total phenols	1.0	zinc	1.5

The above limits apply at the point where the wastewater is discharged to the sewer system. All concentrations for metallic substances are for total metal unless indicated otherwise.

(33) Trucked or hauled pollutants, except at discharge points designated by the Village.

#### Section 4 - Grease and Oil:

- (a). Grease, oil, sand interceptors and conventional grease traps shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and 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 Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- (b). Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.
- (c). Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

Section 5 - Point of Application: The above preceding standards and regulations are to apply at the point where the wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached; provided, however, an industry subject to federal regulation under 40 C.F.R. 403, as amended, shall meet the preceding standards at the end of the pre-treatment process.

Section 6 - Preliminary Treatment: Where necessary in the opinion of the Village, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce objectionable characteristics or constituents to within the maximum limits as provided for in Article V, Sections 3 and 4 and/or (b) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Village and of the State regulating agencies and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 7 - Pre-Treatment of Incompatible Pollutants: Persons discharging incompatible pollutants, other than those described in this Article, which are strictly prohibited from being discharged into the sewage system, shall reduce their incompatible pollutants to levels attainable through the application of the best available technology (BAT) economically achievable as defined in the Clean Water Act of 1977 (P.L. 95-217), as amended. If it is found by the Village that certain incompatible pollutants can be reliably removed by the treatment plant, the Village may enter into a contract with the person making the discharge for the purpose of treating the pollutants for a fee, and allowing the discharge. Attainment of allowed concentrations by dilution will not be allowed as a manner to meet discharge standards. Nothing in this section shall be construed to allow a user subject to federal regulation under 40 C.F.R. 403 to violate applicable federal regulations.

Section 8 - Pre-Treatment of Excess Pollutants: Persons discharging compatible pollutants in excess of the limits listed below shall be subject to review by the Village. The Village shall determine the type or amount of pre-treatment required at the user's expense, or may enter into a contract with the person making the discharge for the purpose of treating the pollutants for a fee and allowing the discharge. The discharge from a user shall be subject to the provisions of this article when the following limits are exceeded:

- (a). Five (5) day BOD greater than 250 mg/l;
- (b). Oil or grease greater than 100 mg/l;
- (c). Total phosphorus greater than 12 mg/l;
- (d). Average daily flow exceeding three (3) percent of the total daily design flow of the sewage treatment plant;
- (e). Suspended solids greater than 250 mg/l.
- (f). Any waste containing COD of 500 mg/l or greater.

Section 9 - Control Manholes: When the Village has determined that it is necessary to ascertain the character of discharge to the public sewage system, the owner of such property served by a sewer connection or connections shall install approved control manholes on the connections to allow observations, sampling and measurements of all substances discharged therein. The Village may require the user to sample and measure all substances discharged into the public sewer at user's expense. The Village may

determine the frequency of the sampling and metering in any permits issued pursuant to this ordinance. The cost of the manholes and all equipment considered necessary by the Village for sampling and metering, and all installation and operation of the sampling and metering equipment shall be at the expense of the user. The Village shall approve all equipment prior to installation.

Section 10 - Control Manhole Locations: All control manholes shall be located on the user's property in an open and accessible area. The control manholes shall be constructed on the sewer connection. If the property is fenced, a gate shall be provided at the manhole location with provision for a lock to be provided to the Village. If the user does not want direct access to his property for security or other reasons, he or she shall, at his or her expense, construct a security fence around the control manhole of an area acceptable to the Village. The Village may allow control manholes in the street right-of-way in an approved manner and location.

Section 11 - Location Drawings: The user shall provide an approved sketch to the Village for its records, showing the locations of all control manholes. The manholes shall be located from both street lines and building lines. The sketch shall show the roadways and access points to the control manholes and note entry limitations, if any, and the telephone number and person to contact for entrance when necessary and any other data considered pertinent by the Village. Each control manhole shall be identified by name and number assigned by the Village. Ample space shall be provided around the control manholes and shall be maintained free and clear by the owner at all times.

Section 12 - Right of Inspection: The Village may inspect the facilities of any user to determine whether the purpose of this ordinance is being met and all discharge requirements are being complied with. Persons or occupants of premises where sewage or other wastes are created or discharged shall allow the Village ready access and make provisions for emergency access, to all parts of the premises for the purposes of inspection or sampling or in the performance of such governmental function. Where a user has security measures in force, the user shall make necessary arrangements, acceptable to the Village, with his or her security, so that upon presentation of suitable identification, the Village representative will be permitted to enter without delay for the purposes of carrying out his or her responsibilities. If the control manhole is locked, a key to the control manhole shall be furnished to the Village.

Section 13 - Accidental Discharge: All persons discharging wastes to the sewage system shall notify the Village Superintendent of the Department of Public Works upon accidentally discharging wastes in violation of this ordinance. The notification shall be made as soon after the accidental discharge as possible but in no case more than 30 minutes after the accidental discharge is discovered. This notification shall be followed within fifteen (15) days, by a detailed written report, describing the causes of the accident and the measures being taken to prevent future occurrences. Dates shall be set for completion of such measures and the completion shall be reported to the Village Superintendent of the Department of Public Works. Notification will not relieve users of liabilities for any expense, loss or damage to the system or downstream, or for any fines imposed on the Village on account thereof.

Section 14 - Confidential Status of Information: All information and data obtained from a user shall be available to the public without restriction unless the user specifically requests the information be classified confidential on the basis of proprietary processes. When information is classified confidential, the Village shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing proprietary processes, except that confidentiality shall not extend to waste products discharged to the waters of

the state.

Section 15 - Measurements: All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in Article V, Sections 3 and 4, 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 in Article V, Section 9 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. In addition to the "Standard Methods", all testing should conform with Guidelines Establishing Test Procedures for Analysis of Pollutants as published in October 16, 1973 Federal Register (40 CFR 136).

Section 16 - Special Agreement: No statement contained in this article shall be constructed 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 therefore by the industrial concern. The strength of any wastes referred to herein shall be determined under the requirements of Article V, Section 8. Nothing in this section shall permit the user from complying with the maximum concentration limits previously set forth in this ordinance or from complying with applicable federal regulations.

Section 17 –Holding Tank Waste: A section regarding the acceptance of holding tank waste goes here – need to complete



## ARTICLE VI

### EXTENSION OF PUBLIC SEWERS

Section 1 - Procedure Established: The procedures established in the article shall apply in charging and allocating the pro-rata share to benefited property owners of all costs and expenses for extending any and all public sewers into any area where public sewers are not present.

Section 2 - Special Assessments: In certain instances the Village, by a majority vote of the entire council, may elect to extend public sewers and finance the project by use of a special assessment district. The charge to be assessed each property owner benefited and served shall be calculated based on a formula as determined by the Village Council. The charge to each benefited property owner shall be assessed at the time of project completion and shall be paid as specified by the Village. The charge shall bear interest at the rate of six percent (6%) per annum, compounded annually, accruing from the date of project completion to the date of payment.

Section 3 - Application: The owner of any property in the Village may connect to the Village sewage system pursuant to the provisions of this Article contingent upon the availability of capacity of the downstream sewage system. An owner who desires to connect to the Village sewage system shall file an application for sewer service extension with the Water and Sewer Clerk and pay a non-refundable fee to be established by resolution of the Village Council. This fee shall be used by the Village to cover the costs of outlining the approximate material and specifications needed to complete the public sewer extension.

Section 4 - Village Sewer Service Outside Village Limits: The owner of property located outside the Village limits may connect to the Village sewage system only pursuant to the requirements of Article IV, Section 17 of this Ordinance.

Section 5 - Route of Sewer Service Extensions: The route of any public sewer extension shall be within the rights-of-way of public streets and alleys or within public utility easements granted to and approved by the Village across private property. All excavation and other work performed within the rights-of-way of these public streets and alleys shall comply with the requirements of Article IV of this Ordinance.

Section 6 - Cost of Sewer Service Extensions:

- (a). As soon as possible after receiving the sewer extension application fee required under Section 3 above, the Superintendent of the Department of Public Works shall provide the property owner with a written list of the approximate material and specifications needed to complete the public sewer extension. The property owner shall then have ninety (90) days to inform the Superintendent of the Department of Public Works whether he or she desires to proceed with the public sewer extension and to hire, subject to the approval of the Superintendent of the Department of Public Works, an engineer and contractor to complete the public sewer extension in full compliance with the specifications and requirements of the Superintendent of

the Department of Public Works. If the property owner fails to inform the Superintendent of the Department of Public Works regarding his or her intent within this ninety (90) day period, this inaction shall be deemed a decision to abandon the plans for a public sewer extension.

- (b). Once the plans for the public sewer extension have been approved by the Superintendent of the Department of Public Works, the contractor can begin and complete the public sewer extension in full compliance with the specifications and requirements of the Superintendent of the Department of Public Works and subject to final inspection by the Superintendent of the Department of Public Works. After the public sewer extension project is completed, the property owner requesting the extension shall submit to the Water and Sewer Clerk written invoices documenting the costs actually paid by the property owner to the engineer and/or contractor for the public sewer extension project. The property owner shall then be entitled to reimbursement of a portion of the costs actually paid pursuant to Sections 7 and 8 below.

Section 7 - Additional Users:

- (a). The owners of property located between a public sewer prior to any extension and the property to be initially serviced by the public sewer extension (including the property across the street, alley, or public utility easement within which the public sewer extension is located) may tap into or make use of the extended public sewer by paying to the Water and Sewer Clerk a sewer extension fee equal to the proportionate share of the total cost of extending the public sewer plus any interest provided in subsection (b) below. For purposes of this section, the proportionate share of the cost of extending the public sewer shall be calculated pursuant to the following formula:

[Cost Paid Under § 6(b) ÷ (Total Street Frontage of Other Property Capable of Development and Connection to the Extended Public Sewer\*)] x (Total Street Frontage of Parcel Connecting to the Extended Public Sewer)

\*A property is deemed capable of development and connection to the extended public sewer if that property is capable of development in terms of topography, wetlands, and zoning ordinance requirements such that it is reasonable to anticipate that connections to the extended public sewer may be made in the future.

- (b). The proportionate share of the cost of extending the public sewer shall be increased by seven (7%) percent per annum (compounded annually) commencing one (1) year after the cost paid under Section 6(b) above by the property owner who initially requested the public sewer extension; provided, however, that this increase shall not extend for a period of more than five (5) years.

Section 8 - Reimbursement to Original Property Owner: Upon receipt of any payment under Section 7(a) above, the Water and Sewer Clerk shall pay that amount forthwith to the property owner who paid the initial costs of the public sewer extension pursuant to Section 6(b) above. If the property owner who paid the initial costs of the public sewer extension is deceased, the payments received shall be paid to his or her personal representative or to other persons who by law would be entitled to inherit his or her estate as may be determined by a court of competent jurisdiction. If the property owner who paid the initial costs of the public sewer extension cannot be found, or if no claim is made for reimbursement for a period of one (1) year from the date that payments under Section 7(a) have been received by the Water and Sewer Clerk, the reimbursement under this section shall be deemed to have been waived and all monies so received shall be turned over and become a part of the Village sewer fund.

## ARTICLE VII

### USER CLASSIFICATION

Section 1 - User Classes: Recipients of wastewater collection and treatment services will belong to one of the four user classes listed and defined below:

#### Class I: Residential

All single and multi-family dwellings including duplexes, apartments and mobile homes.

#### Class II: Commercial

All retail stores, restaurants, motels, offices and other common business establishments including churches and lodges.

#### Class III: Institutional

All schools, hospitals and government facilities.

#### Class IV: Industrial

All manufacturing and processing facilities.

Section 2 - Appeal of Classification: The user may appeal his assigned classification by submitting a written appeal to the Village thirty (30) days in advance of a regularly scheduled Village meeting at which time the appeal will be heard.

## ARTICLE VIII

### CHARGES FOR WASTEWATER COLLECTION AND TREATMENT SERVICES

#### Section 1 - Public Utility:

- (a). The sanitary sewers and wastewater treatment facility of the service area shall be operated and maintained on a public utility basis in accordance with applicable federal regulations and the provisions of Act 94, Public Acts of Michigan, 1933, as amended.
- (b). The System shall be operated on the basis of an operating year commencing on \_\_\_\_\_ and ending on the last day of \_\_\_\_\_ next following.

#### Section 2 - User Charges - Purposes, Basis and Rates:

- (a). All premises which are required by the provisions of this ordinance to connect, either directly or indirectly, to the sanitary sewers of the service area shall pay user charges beginning on the date of connection to the wastewater collection system.
- (b). User charges will be established by the Village for the purpose of:
  - (1). Recovering the costs of operation, maintenance and replacement for the wastewater collection and treatment system;
  - (2). Partial debt repayment (debt service).
- (c). User charges will be based on metered water usage and domestic waste concentrations of 250 mg/l BOD, 250 mg/l SS, 7mg/l phosphorus, and 25 mg/l ammonia. Premises without metered water service will be charged a flat rate based on estimated average water usage or on metered wastewater discharge. A quarterly minimum charge based upon a minimum water usage of \_\_\_\_\_ gallons per month will be assessed to insure steady revenue for the system. The Village Council shall by separate resolution establish the rates to be charged for the water and sewer connections under this ordinance.

#### Section 3 - Development of User Charges:

- (a). User charges to recover operation, maintenance and replacement costs shall be computed as follows:
  - (1). Estimate the annual operation, maintenance and replacement (OM&R) costs for the wastewater collection and treatment system.
  - (2). Proportionally allocate the estimated annual OM&R costs to the treatment parameters of flow, SS, BOD, phosphorus, and ammonia.

- (3). Estimate annual wastewater volume, pounds of SS, pounds of BOD, pounds of phosphorus, and pounds of ammonia to be treated.
- (4). Compute user charge for domestic strength sewage by dividing the estimated annual OM&R costs by the estimated annual water usage.
- (5). Compute surcharges to be levied to any user whose wastewater exceeds the domestic concentrations of BOD (250 mg/l), SS (250 mg/l), phosphorus (7mg/l), and ammonia (25 mg/l). Surcharges are computed as follows:

$$R_t = R \left( .4 + .3 \frac{B}{250 \text{ mg/l}} + .3 \frac{S}{250 \text{ mg/l}} + \frac{P}{P_n} \right)$$

$R_t$  = Total Billing Rate, including surcharges.

$R$  = Billing rate for typical customer

$B$  = Concentration of B.O.D. discharged by user (mg/l) - value not to be less than 250 mg/l

$S$  = Concentration of suspended solids discharged by user (mg/l) - value not to be less than 250 mg/l

$P$  = Concentration of any pollutant discharged by user (mg/l)

$P_n$  = Concentration of any pollutant discharged to be acceptable as "normal strength sewage"

- (b). The debt service unit charge shall be computed by dividing the estimated annual debt service requirement by the estimated annual volume loading to the system.

**Section 4 - Special Rates:** Where sewage disposal service is furnished to users not connected to the water system or in cases where users make use of large quantities of water which may be discharged into storm sewers or approved outlets other than the sanitary sewer system, or for other miscellaneous users of water for which special consideration should be given, special rates may be fixed by the Village.

**Section 5 - Review of Rates:** The adequacy of the user charges will be reviewed bi-annually by certified public accountants for the Village in their bi-annual audit report. The user charges shall be revised periodically to reflect a change in debt service or a change in operation, maintenance and replacement costs in accordance with applicable federal regulations.

Section 6 - Other Fees and Charges: In addition to user charges, the Village Council shall by separate resolution establish charges for the privilege of connecting to the system.

Section 7 - Establishment of Charges by Resolution: The user charges, surcharges and any fees to be imposed shall be in accordance with the respective schedule for such charges as established by the Village from time to time. Any changes of such charges shall be established by the Village Council by separate resolution.

Section 8 - Bills: Bills for user charges will be rendered monthly and will be payable without penalty within ten (10) days after the date thereon. Payments received after such period shall bear a late fee as established by the Village.

Section 9 - No Free Services: 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.

## ARTICLE IX

### ALLOCATION OF REVENUES - FISCAL YEAR

Section 1 - Receiving Fund Accounts: The revenues of the system shall be deposited into a separate account to be designated Receiving Fund Account. These revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and order hereinafter specified.

- (a). Operation and Maintenance Fund - Out of the revenues in the Receiving Fund, there shall first be 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 for administration, operation and maintenance of the system.
- (b). Contract Payment Fund - There shall second be established and maintained a depository account, designated Contract Payment Fund, which shall be used solely for the purpose of paying the debt service.
- (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.
- (d). Improvement Fund - There shall also be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the system. Deposits into said fund shall be made only after providing for the foregoing funds.
- (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, be transferred to the Improvement fund or used in connection with any other project related to the system.
- (f). Bank Accounts - All monies 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.

Section 2 - Investments: Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the security 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.



## ARTICLE X

### PROTECTION FROM DAMAGE

Section 1 - Prohibited Acts; Penalty: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Village sewage system. Any person violating this provision shall be guilty of a misdemeanor punishable by ninety (90) days in the county jail and/or a fine of Five Hundred (\$500.00) Dollars.

Section 2 - Liability: Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

Section 3 - Right of Entry: The Village and/or duly authorized representative(s) shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance whether or not an easement has been granted. The Village 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 sewerage system or waterways. This section may be enforced by an administrative search warrant issued by a court of competent jurisdiction.

Section 4 - Inspection of Records: The Village and/or duly authorized representative(s) shall have the authority to inspect and copy records of users relating to waste and the components thereof discharged into the Village sewer system. This section may be enforced by an administrative search warrant issued by a court of competent jurisdiction.

Section 5 - Emergency Powers: When any person violates a provision of this ordinance and such violation, in the opinion of the Village, would result in an actual or threatened discharge of waste which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the Village to violate any conditions of its NPDES Permit, the Village may order the immediate suspension of all sewer service to that property at which the violation occurs. If the person notified of the immediate suspension of sewer service is unable or does not comply with that order, the Village shall take such steps as it deems necessary, including the immediate severance of the sewer connection, to prevent or minimize the health danger to any individual, the danger to the environment, the damage to the POTW, or the violation of its NPDES Permit. The Village shall reinstate sewer service to the property upon proof that the event causing the Village to take emergency action under this section has been eliminated. Within fifteen (15) days of the event triggering the Village's emergency powers, the user shall submit to the Village a detailed written explanation describing the cause of the violation and the measures taken to prevent any future occurrences.

## ARTICLE XI

### REVOCACTION OF PERMITS

Section 1 - Revocation of Permits: Any permit issued under this ordinance may be revoked by the Village at any time for a violation of this ordinance, for a violation of a condition of the permit, or if the permit was issued on materially false or misleading information. Such revocation shall be in addition to any other penalty provided in this ordinance.

Section 2 - Notification of Violation: Before any permit is revoked, the Village Clerk shall send to the permit holder a written Notice of Revocation. The Notice shall describe the basis for the revocation and give thirty (30) days in which the permit holder shall correct the violation. The Notice may be served personally or may be sent by first-class mail to the last known address of the permit holder. The time period shall commence on the date of the personal service, or in the case of mailing, service shall be deemed to have taken place on the date of mailing.

Section 3 - Show Cause Hearing: If the permit holder does not correct the violation within the thirty (30) days provided in the Notice of Revocation, then the Village Council may, but is not required to, issue a Notice for a Show Cause Hearing before the council. The purpose of this hearing is to give the permit holder an opportunity to show cause why the permit should not be revoked. The Show Cause Notice shall specify the date, time, and location of the hearing. The Notice may be served personally or may be sent by first-class mail to the last known address of the permit holder. Any permit holder served with a Show Cause Notice as provided in this section shall not be required to attend the hearing.

## ARTICLE XII

### ENFORCEMENT

#### Section 1 - Enforcement:

- (a). The charges and rates for sewer services authorized under the provisions of Section 21 of Act 94 of the Public Acts of 1933, as amended, shall constitute a lien on all premises served thereby whenever any such charges or rates shall be delinquent for six (6) months or more, unless notice is given that a tenant is responsible for the payment of all such charges and rates. On April 1st of each year, the Water and Sewer Clerk shall certify to the tax assessing officers for the Village, the fact of such delinquency, whereupon such delinquent charges and rates shall be entered upon the next tax roll as charges against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Section 21 of Act 94 of the Public Acts of 1933, as amended, no further service shall be rendered to such premises until a cash deposit in an amount established by the Village Council shall have been made as security for payment of such charges and service.
  
- (b). In addition, the Village shall have the right to shut off sewer service to any user for whom charges for sewer service are more than two (2) months delinquent. Before shutting off sewer service, the Village shall send written notice by first class mail of its intent to terminate sewer service to the owner of the premises served or to the tenant in possession where a notice is given that the tenant is responsible for such charges and service. If sewer service is shut off pursuant to this section, such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by court action.

## ARTICLE XIII

### PENALTIES

Section 1 - Violations; Penalties: Except as provided in Article X, Section 1, any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day in which any such violation shall continue shall be deemed a separate offense. Any officer of the Village Police Department is hereby designated as an authorized Village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. In addition, the Village shall have the right to bring a civil lawsuit to enforce the provisions of this Ordinance, including an action for injunctive relief to enjoin continued violations of the Ordinance.

Section 2 - Liability: In addition to the penalties provided in Section 2 above, any person violating any of the provisions of this Ordinance shall be liable to the Village for any expense, loss, or damage incurred by the Village by reason of such violation.

## ARTICLE XIV

### ANNUAL REVIEW

Section 1 - Review: Once each year, within one hundred twenty (120) days after the close of the Village fiscal year, there shall be submitted to the Village an annual review of all expenses of the sewer fund for the previous fiscal year and shall include an opinion as to the adequacy of rates to cover these expenses. Special mention shall be made comparing the user charges to operation, maintenance and replacement expenses. This report shall include a statement as to the proportionality of the user charge system.

## ARTICLE XV

### VALIDITY, REPEAL, AND SAVINGS CLAUSE

Section 1 - Repeal: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2 - Validity: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 3 - Savings Clause: The repeal of ordinance sections, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

ARTICLE XVI

ENACTMENT

Section 1 - Enactment: This Ordinance shall become effective twenty (20) days following its publication in a newspaper of general circulation within the Village.

This Ordinance shall be published once, in full, in the Leelanau Enterprise, a newspaper of general circulation within the boundaries of the Village and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the Village President and Clerk.

VILLAGE OF SUTTONS BAY

By:

Larry Mawby, Village President

By:

Dorothy Petroskey, Village Clerk