

VILLAGE OF DECATUR

ORDINANCE 2020-002

AN ORDINANCE TO REGULATE THE USE OF PUBLIC SEWER SYSTEM; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS TO THE PUBLIC SEWER SYSTEM; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; THE ESTABLISHMENT AND COLLECTION OF RATES AND CHARGES FOR CONNECTION TO AND USE OF THE PUBLIC SEWER SYSTEM; THE ADMINISTRATION OF THE SYSTEM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO

THE VILLAGE OF DECATUR HEREBY ORDAINS:

1. ARTICLE I: DEFINITIONS

1.1 Definitions. In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- a. **Building Sewer.** The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System and its components or other places of disposal.
- b. **Commodity Charge.** A periodic charge levied on Users for use of the Public Sewer System on the basis of water consumption. The Charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance and (b) the benefit to that User derived from the use of the Public Sewer System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest, and administrative costs of retiring Public Sewer System indebtedness.
- c. **Composite Sample.** The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on an increment of either flow or time, over a specified period which provides a representative sample of the average stream during the sampling period. For categorical process samples, this is required to be a minimum of four samples per 24 hours (40 CFR 403.12(b)).
- d. **Connection Fee.** The charge imposed by the Village to regulate the connection of a Building Sewer to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the ability of the Village to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of contamination of groundwater.
- e. **Debt Service Charge.** An amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest, and administrative costs of retiring the debt incurred for acquisition, construction, and improvement of the Public Sewer System.
- f. **Domestic Sewage.** Normal strength liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carrier wastes of organic nature either singly or in combination thereof.
- g. **Domestic User.** All Users of the Public Sewer System whose discharge into the Public Sewer System is primarily Domestic Sewage.
- h. **Effluent.** Waste material (smoke, liquid, industrial refuse, or Sewage).
- i. **Gravity Flow Sewer.** A sewer line that flows solely due to the earth's gravitational forces and that does not rely upon mechanical means or pumps to impart the necessary energy to convey Sewage

from one point to another, whether located upon public or private property.

- j. **Gravity System.** The publicly-owned Sewer Lead which is a Gravity Flow Sewer and provides the connection between the privately-owned Building Sewer and the Public Sewer System.
- k. **Grease Trap.** A tank of a size and material and so designed as to be capable of removing grease and oily wastes from the Sewage.
- l. **Grinder Pump.** In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage for transportation to the Sewage Treatment Facility.
- m. **Grinder Pump System.** The publicly owned Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System.
- n. **Incompatible Pollutants.** Any Pollutant which is not compatible with biological treatment or whose removal has not been designed into the treatment process.
- o. **Industrial Wastes.** The liquid, solid, semisolids or gaseous waste or form of energy, or a combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources, distinct from Domestic Sewage and Normal Strength Sewage.
- p. **Inspection and Administration Fee.** The amount charged to each applicant by the Village at the time an application is made to the Village for connection to the Public Sewer System to cover the routine cost of inspecting and approving the physical connection to a Building Sewer and the Service Connection to the Public Sewer System, the issuance of a connection permit and related administrative expenses.
- q. **Inspector.** The person(s) responsible for inspecting the connection of Building Sewers and Service Connections to the Public Sewer System as designated by the Village.
- r. **Laboratory Determinations.** Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where EGLE determines that the part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures approved by EGLE or the EPA.
- s. **Meter.** An instrument for measuring the rate of flow and volume of Sewage discharged to the Public Sewer System or water supplied by the Public Water System.
- t. **National Pollution Discharge Elimination System Permit or NPDES Permit.** A permit issued by the MDEQ for the discharge of Sewage pursuant to Section 402 of the Clean Water Act.
- u. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or another body of surface or groundwater.
- v. **Nondomestic User.** An industry, commercial establishment, or other entity that discharges Sewage or Wastewater to the Public Sewer System other than, or in addition to, Domestic Sewage. Single- and multiple-family residential dwellings with discharges consistent with Domestic Sewage characteristics are specifically excluded.
- w. **Nuisance.** Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.
- x. **Pass-Through.** A discharge which exits the Public Sewer System into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the Public Sewer System's NPDES Permit (including an increase in the magnitude or duration of a violation) or detrimentally impacts the Receiving Waters.

- y. **Penalty.** A charge for the discharge of non-compatible substances including pH in violation of the NPDES Permit.
- z. **Person.** Any individual, firm, company, association, society, corporation or group, public or private.
- aa. **Plumbing System.** The water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; Building Drains and Building Sewers, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.
- bb. **Pollutant.** Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, sewage sludge, munitions, Medical Waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial and agricultural wastes, and the characteristics of the Wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
- cc. **Pollution.** The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- dd. **Premises.** The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable parcel of property, including all structures located thereon.
- ee. **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of Pollutants, the alteration of the nature of pollutants or the alteration of the nature of the pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Sewage Works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d), as amended. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or Slug loadings.
- ff. **Pretreatment Requirements.** Any substantive or procedural requirement related to Pretreatment imposed on a Nondomestic User, other than a National Pretreatment Standard.
- gg. **Pretreatment Standards.** All National Categorical Pretreatment Standards, the general and specific prohibitions specified in 40 CFR 403.5, all State standards as well as the prohibitions or limits specified in this Ordinance.
- hh. **Private Sewage Disposal Facility.** Any Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the Public System.
- ii. **Public Sewer System.** means the complete Decatur Wastewater System and Wastewater Stabilization Lagoon, including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment, and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.
- jj. **Readiness to Serve Charge.** A periodic charge levied on a User based upon the size of the User's public water meter. The charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance of the Public Sewer System and (b) the benefit to that User derived from the availability of the Public Sewer System and the peak usage that User may demand from the Public Sewer System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest, and administrative costs of retiring Public Sewer System indebtedness.
- kk. **Receiving Fund.** The Sewer System Receiving Fund established to receive collections of Sewer Rates and Charges and all other revenues of the Public Sewer System.

- ll. **Service Connection.** The portion of the Public Sewer System which extends either to or onto the parcel of land adjacent to the path of the Public Sewer System, and includes the tee/wye, valve, check valve, connector pipes, and the Sewer Lead, but not including the Building Sewer.
- mm. **Sewage or Wastewater.** Any combination of the water-carried waste material from residences, business buildings, institutions, and industrial establishments.
- nn. **Sewage Disposal System Event.** An overflow or backup of the Public Sewer System as defined in Act 222.
- oo. **Sewer Lead.** That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends approximately therefrom to the property line, for connection to the Building Sewer.
- pp. **Sewer Rates and Charges.** The Connection Fee, Inspection and Administration Fee, User Charge, Commodity Charge, Readiness to Serve Charge, Debt Service Charge, the penalty imposed pursuant to Section 2.4 and all applicable interest and penalties thereon.
- qq. **Service District.** The area of the Village served by the Public Sewer System.
- rr. **Slug.** Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times Normal Strength or the average twenty-four-hour flows during normal operation.
- ss. **Storm Sewer or Storm Drain.** A sewer which carries storm or surface waters, or drainage, but excludes Sewage.
- tt. **Structure in which Sanitary Sewage Originates.** A building in which toilet, kitchen, laundry, bathing, or other facilities that generate Sewage are used or available for domestic, commercial, industrial, or other purposes.
- uu. **System.** The Public Sewer System.
- vv. **Toxic Pollutant.** Any Pollutant or combination of Pollutants which is or can potentially be harmful to public health, the Public Sewer System or the environment, including those listed as toxic in regulations promulgated by the administrator of the EPA, under the provisions of Section 307(a) of the Clean Water Act or other acts, as amended.
- ww. **Village.** The Village of Decatur, located in Van Buren County, Michigan, and/or it's duly authorized agent or representative.
- xx. **Unit or Units.** A unit for the purposes of determining rates and charges is as follows: (a) one unit for each single-family residence, (b) one unit for each apartment or dwelling unit located in said building, (c) one unit for each business or other entity located in said building, and (d) one unit for each commercial or industrial premises per water meter installed at said premises.
- yy. **User.** A recipient of services provided by the Public Sewer System including Structure in Which Sanitary Sewer Oringates which are connected to and discharge Sewage into the Public Sewer System.

2. ARTICLE II: USE OF PUBLIC SEWER SYSTEM REQUIRED

- 2.1 Discharge of Sewage.** No Person shall discharge to any natural outlet within the service district any sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), U.S. EPA, and this Ordinance.
- 2.2 Private Sewage Disposal Facility.** Except as provided in this Ordinance, no person shall construct or maintain in the service district any private sewage disposal facility. Any person owning property connected to the public sewer system shall provide for the proper abandonment or destruction of any existing private sewage disposal facility.
- 2.3 Mandatory Connection to Public Sewer System.** All owners of structures in which sanitary sewage

originates, now situated or hereafter constructed within the service district, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the available public sewer system, in accordance with the provisions of this Ordinance. The Village shall require all such owners, pursuant to the authority conferred upon the Village by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

2.4 Connection Deadline; Penalty. As a matter of public health, safety and welfare, all connections to the Public Sewer System required hereunder, shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Village to make said connections or the modification of a structure so as to become a structure in which sanitary sewage originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the public sewer system within such ninety (90) day period shall, in addition to all other costs, fines, and damages available in Section 2.5, be liable for a civil penalty equal in amount to the User Charges and Debt Service Charges applicable to the number of Units assigned to the Premises, that would have accrued and been payable had the connection been made as required.

2.5 Enforcement in the Event of a Failure to Connect. In the event a required connection to the Public Sewer System is not made within the time provided by Section 2.4, the Village shall require the connection to be made immediately after notice given by first-class or certified mail or by posting on the property. The notice shall give the approximate location of the available Public Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Village may bring an action in any manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

2.6 Extensions of Public Sewer System to Service New Developments.

- a. The owner of Premises located within the Service District but not served by an available Public Sanitary Sewer System may elect to extend the Public Sewer System and connect his Premises thereto, subject to the conditions for sewer extensions set forth in Section 3.8 and Section 3.9.
- b. The owner (or developer) of lands in the Village proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Ordinance, shall be required to extend the Public Sewer System and connect the Premises so developed to the Public Sewer System subject to the conditions for sewer extensions set forth in Section 3.8 and Section 3.9.
- c. The owner of a Premises located within the Service District and served by an available Public Sewer System who legally divides the Premises shall be required to extend the Public Sewer System such that all resulting divisions of the parent parcel are served by an Available Public Sanitary Sewer System.

2.7 Connection of Premises Located Outside the Service District. Premises located outside the Service District shall be permitted to connect to the Public Sewer System only upon the consent of the Village Council. The consent of the Village Council shall be granted or denied by the Village Council in the exercise of its reasonable discretion and shall be based upon the continued availability of capacity in the Public Sewer System for premises located within the Service District and may be based upon such other considerations deemed appropriate by the Village Council and consistent with this Ordinance. To the extent an extension of the Public Sewer System is required, the conditions set forth in Section 3.9 shall apply. In its discretion, the Village Council may require the person requesting the connection of premises located outside the Service District to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Village addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

2.8 Conditions for Extension of Public Sewer System by Property Owner. If connection to the Public Sewer System is required by Section 3.6(b) of this Ordinance, but there is no available Public Sewer System adjacent to the Premises, or if a property owner elects to extend the Public Sewer System, such extension shall be in

accordance with the following requirements, unless modified by the terms of a written agreement between the Village and the property owner pursuant to Section 2.9.

- a. The Development System to be extended by the property owner (or Developer) shall be extended to the Premises in a public right of way, or in an easement owned by the public to the Premises in question. If the Development System is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the Development System shall be extended throughout such new road so that the Development System abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right of way.
- b. If the Development System is extended to a Premises, the Development System shall be installed across the entire frontage of the Premises served, to the border of the adjacent Premises. For developments for which a new public or private road is constructed, the Development System shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All Development System extensions shall be located within an easement dedicated to the public, if not located in a public street right of way.
- c. The Development System shall be constructed in accordance with specifications approved by the Village.
- d. Upon completion of the Development System, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers), the Development System shall be dedicated to the Village, without cost to the Village. Upon acceptance of the dedication in the discretion of the Village, the Village shall thereafter be responsible for maintenance of the Development System and the Development System shall become part of the Public Sewer System. The Village shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.
- e. The Person responsible for installing the Development System shall also reimburse the Village for the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The Person responsible for installing the Development System shall pay an amount to the Village, in advance, at least equal to the estimated fees for such acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before the connection of any Premises is permitted.
- f. The entire cost of installation of the Development System, including but not limited to engineering, legal, financing, construction, permits, and restoration shall be paid by the owner or owners of the Premises to whom sewer is being extended.
- g. In addition to the extension of a Development System as required, the owner of Premises to be connected to the Public Sewer System shall reimburse the Village for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the Premises or by a development which will be provided with service by the Public Sewer System, including but not limited to increasing the size of downstream sewer mains and related facilities to provide sufficient capacity, increase in the capacity of lift stations, and an increase in treatment capacity. In such a situation, the responsible party and the Village shall enter into an agreement whereby the responsible party pays to the Village, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before the connection of any Premises is permitted.
- h. In its discretion, the Village Council may require the Person requesting the extension or required to construct an extension to provide at the sole expense of said Person an engineering report by a consulting engineer acceptable to the Village addressing the cost and feasibility of the proposed

extension in the context of the foregoing conditions.

- 2.9 Sewer Extension Agreements.** The Village shall have the authority to negotiate agreements for sewer extensions with landowners, developers, municipalities and other persons, which agreements shall be subject to the approval of the Village and may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, payback arrangements of up to 10 years and similar matters.

3. ARTICLE III: BUILDING SEWERS AND CONNECTIONS

- 3.1 Permit Requirement.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Public Sewer System or existing connections thereto without first obtaining a written permit from the Village in accordance with Section 3.2.

- 3.2 Permit Application.** A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon the written authorization and a connection permit issued by the Village. Prior to said connection, the property owner or his agent shall submit a permit application to the Village. This permit application shall be on a form furnished by the Village and shall be accompanied by payment of the applicable Connection Fee determined in accordance with Section 5.3, any civil penalty which has accrued pursuant to Section 2.4 above, the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the premises (when requested), and all other information required by the Village

- 3.3 Approval of Permit Application.** The approval of a connection permit application by the Village shall be subject to:

- a. Compliance with all terms of this Ordinance, including, without limitation, Section 3.2, above, the applicable plumbing code, and the rules and regulations of the Health Department and EGLE,
- b. The availability of capacity in the Public Sewer System for the use proposed by the permit application, including Compatible Pollutant capacity,
- c. Compliance of the plans and specifications for connection with the following standards for construction:
 1. The design, installation, and connection of the Building Sewer and the Service Connection shall meet the specifications approved from time to time by the Village and on file for public inspection at the Village offices. The Sewer Lead shall not be less than six (6) inches in diameter and not less than 1 1/4 inches in diameter for and not less than 1 1/4 inches in diameter for a Grider Pump System and a larger diameter may be required by the Village based upon the length of run or grade of the Sewer Lead.
 2. The Building Sewer shall not be less than four (4) inches in diameter for a Gravity Flow Sewer and not less than 1 1/4 inches in diameter for a Pressure Sewer, each of which discharge to the Service Connection, and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non- conformity to the satisfaction of the Inspector.
 3. Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot and insulated, sloping towards the Sewer Lead.
 4. In all buildings in which any building drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the building drain shall be lifted by means acceptable to the Village and discharged to the Service Connection. However, the operation and

maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

5. Where the Public Sewer System is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the Service Connection using methods and materials approved by the Village.
6. All joints and connections shall be made gas-tight and water-tight.
7. A separate and independent Building Sewer shall be provided for every building. Where, however, 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 through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer upon application to and approval by the Village. Other exceptions may be allowed only by special permission granted by the Village Council acting as the Board of Appeals in accordance with Article 7 of this Ordinance.
8. The connection of the Service Connection to the public sewer shall be made at the "Y" branch if such a branch is available at a suitable location.
9. When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in such condition, the Village may make the necessary repairs and charge the total cost against the Person responsible for the same as a Miscellaneous User Fee. No backfill shall be placed until the connection of the Building Sewer to the Service Connection has been inspected and approved by the Inspector.
10. The Person or owner causing any excavation or trench to be made in any public street or thoroughfare in the Village 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 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, therefore, as a Miscellaneous User Fee.
11. All sewer connections shall be made with the following approved sewer pipe: (a) Sch. PVC 40-80-120, ASTM D-1785 (b) ABS, Sch. ASTM D-1527, (c) PVC ASTM D3034, SDR 35, ASTM D3212 joint, or (d) cast iron pipe, ASTM A74-72. Sewer pipe shall not be less than six 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 the Inspector and the connection shall be made by 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.
12. Connection of the Building Sewer to the Service Connection shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Village. Any deviation from the prescribed procedures and materials must be approved by the Inspector.

3.4 Excavations, Pipe Laying and Backfill. All excavations, pipe laying, and backfill required for the installation of Building Sewers and Service Connection shall be done to conform to requirements and standards approved by the Village. No backfill shall be placed until the work has been inspected and approved by the Inspector.

- 3.5 Connection of Building Sewer.** The connection of the Building Sewer to the Public Sewer System shall be made at the Service Connection and shall be inspected and approved by the Inspector.
- 3.6 Connection of Certain Drains is Prohibited.** No Person shall make the connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, sump pumps, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.
- 3.7 Public Safety Requirements; Restoration.** All excavations for Building Sewer installation and connection to the Public Sewer System shall be adequately guarded with barricades and lights so as to protect the public from hazard. 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 requirements of the Van Buren County Road Commission or MDOT, as the case may be. In case of the failure to properly barricade or light such excavations or trenches, the County Road Commission or MDOT, as the case may be, is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Village, the County Road Commission, MDOT and all other governmental entities having jurisdiction.
- 3.8 Cost of Installation of Building Sewer and Connection to Public Sewer; Authorized Persons; Indemnification.** All costs and expenses incidental to the installation of the Building Sewer, the connection of the Building Sewer to the Service Connection and the connection of the Service Connection to the Public Sewer System sewer main shall be borne by the owner of the property being connected. Any person is authorized to install a Building Drain, Building Sewer and Service Connection and the connection of the Building Drain to the Building Sewer, subject to applicable building and plumbing codes and inspection in accordance with Section 3.10. Only an authorized contractor or plumber licensed by the Village in accordance with Section 3.12 may connect the Building Sewer to the Service Connection or connect the Service Connection to the Public Sewer System sewer main, subject to the requirements of this Ordinance, including inspection in accordance with Section 3.10. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the County Road Commission or MDOT, as the case may be. Said owner shall indemnify the Village from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Service Connection and the installation and connection of the Service Connection to the Public Sewer System.
- 3.9 Inspection.** A connection permittee shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until the inspection is complete. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of the permit and this Ordinance, a sewer connection approval shall be issued and the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection shall include the installation of all required components of the Service Connection, including without limitation, sealants, riser, discharge lines, and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the Private Sewage Disposal Facility in the manner required by the Health Department.
- 3.10 Village's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection shall be borne by the Village as part of the Village's budgeted annual expense of the System, subject to the right of the Village to impose a Miscellaneous User Fee in accordance with Section 5.4, below.
- 3.11 Property Owner's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacements of Building Drains, Building Sewers and the connection of the Building Sewer to the Service Connection shall be borne by the property owner. If the property owner has not granted an easement to the Village to maintain the Service Connection which is a Grinder Pump System,

then the cost of all repairs, operation, maintenance and replacement of the Service Connection shall also be borne by the property owner.

- 3.12 Contractor Requirements.** Any person desiring to construct a Service Connection or connect a Building Sewer to a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Village. The license shall be issued on the basis of the Village's fiscal year. The Person applying for such license shall pay a license fee of \$50.00 and execute unto the Village and deposit with the Village, a cash bond or irrevocable letter of credit in the sum of \$5,000.00, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules codes, and regulations established under the authority of the Village pertaining to sewers and plumbing. This bond shall state that the Person will indemnify and save harmless the Village and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the Service Connection installation and/or connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, the bond shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the Village, evidence of public liability insurance insuring the interests of the Village, the property owner, and all Persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) Person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.

4. ARTICLE IV: USE OF THE PUBLIC SEWER SYSTEM AND INDUSTRIAL PRETREATMENT

- 4.1 Prohibited Discharge of Storm Water.** No Person shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, roof runoff, subsurface drainage, unpolluted Cooling Water or unpolluted industrial process waters to the Public Sewer System. Any Premises connected to a Storm Sewer shall comply with county, state and federal requirements as well as those of the Village.
- 4.2 Permissible Discharge of Storm Water.** Unpolluted water, stormwater, and all other unpolluted drain water shall be discharged to the ground surface, to a Natural Outlet or to a Storm Sewer or Storm Drain in accordance with applicable state and federal regulations.
- 4.3 Prohibited Discharges to Public Sewer System.**
- a. No Person or User shall introduce or cause to be introduced, into the Public Sewer System directly or indirectly, any Pollutant or Sewage which causes Pass-Through or Interference. These general prohibitions apply to all Users of the Public Sewer System whether or not the User is subject to the Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or Pretreatment Requirements.
 - b. No Person or User shall introduce or cause to be introduced into the Public Sewer System the following Pollutants, substances, Wastewater or Prohibited Discharges:
 1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius, using the test methods specified in 40 CFR261.21, or be injurious in any other way to the Public Sewer System or the Sewage Treatment Facility or to the operation of the Public Sewer System or the Sewage Treatment Facility. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Public Sewer System such as, but not limited to: grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood,

plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

3. Any wastewater having a ph of less than five, or other than that range established by the NPDES Discharge Permit, or any Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Public Sewer System. In any event, a minimum ph of five is necessary in order to comply with 40 CFR 403.5.
4. Any Pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the Public Sewer System.
5. Any Sewage containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the Public Sewer System, or exceed the limitation set forth in a Categorical Pretreatment Standard or any other applicable federal, State or local standards.
6. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard or to prevent entry into the sewers for maintenance and repair.
7. Pollutants which result in the presence of toxic gases, vapors or fumes within the Public Sewer System in a quantity that may cause acute worker health and safety problems.
8. Pollutants including, without limitation, petroleum oil, non- biodegradable cutting oil or products of a mineral oil origin, in amounts that will cause Interference or Pass-Through.
9. Any substance which, alone or in conjunction with a discharge or other discharges, causes Pass-Through.
10. Any substance which will cause the Public Sewer System to violate its NPDES Permit.
11. Any Sewage having a temperature which will inhibit biological activity in the Public Sewer System resulting in Interference. Wastewater with a temperature at the introduction into the Sewage Works which exceeds 40 degrees Celsius or 104 degrees Fahrenheit or is lower than zero degrees Celsius or 32 degrees Fahrenheit is prohibited.
12. Any slug load.
13. Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state or federal regulations.
14. Any Sewage which causes a hazard to human life, any hazardous situation, or creates a public nuisance.
15. Any unpolluted water including, but not limited to, non-contact Cooling Water.
16. Any sludge, precipitate, or congealed substances resulting from an industrial or commercial process, or resulting from the Pretreatment of Sewage or air pollutants.
17. Any trucked or hauled Pollutants except at discharge points designated by the Public Sewer System.

Upon the promulgation of the Categorical Pretreatment Standards for a particular industry subcategory, the applicable Pretreatment Standard, if more stringent than limitations imposed under this Ordinance, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Village shall notify all affected Users of the applicable reporting requirements.

4.4 NPDES Permit Limitations

- a. No Person shall discharge or cause to be discharged into the Public Sewer System any Sewage which would cause effluent from the Public Sewer System to exceed discharge limits established in the

NPDES Permit issued for operation of the System.

- b. Wastewater discharges shall be expressly subject to all provisions of this Article and all other applicable regulations and the Sewer Rates and Charges established by the Village Council. In addition, the Village may:
1. Limit the average and maximum wastewater constituents and characteristics;
 2. Limit the average and maximum rate and time of discharge and make requirements for flow regulations and equalization;
 3. Require the installation and maintenance of inspection and sampling facilities;
 4. Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
 5. Establish Compliance Schedules;
 6. Require submission of technical reports or discharge reports;
 7. Require the maintaining, retaining and furnishing of plant records relating to Wastewater discharge as specified by the Village and affording Village access thereto and copying thereof;
 8. Require notification to the Village of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Public Sewer System;
 9. Require notification of Slug discharges; and
 10. Require other conditions as deemed appropriate by the Village to ensure compliance with this article.

4.5 Discharge Limit Standards. Maximum concentrations and parameters for the following constituents and characteristics of Sewage or Wastewater are established as follows, subject to modification, in a Schedule of Compatible Pollutants adopted from time to time by resolution of the Village Council:

Material	Composite Limit (mg/l)
Ammonia	54
Arsenic	0.058
BOD5	566
Barium	1.885
Cadmium	0.102
Chromium	5.95
COD	700
Copper	0.170
Cyanide	0.029 (grab)
Lead	6.25
Mercury	0.00001
Molybdenum	17.07
Nickel	5.97
Fats, Oil, and Grease	100
Phosphorus (total)	8
Selenium	3.413
Silver	0.0396
Total Suspended Solids	250
Zinc	1.063
Ph	6.5-9.0 (grab)
Temperature	32 – 104 deg F (grab)

In addition, the maximum parameters set forth in Section 4.3(b) are subject to modification in the Schedule of Compatible Pollutants adopted from time to time by resolution of the Village Council.

- 4.6 Remedies; Pretreatment.** If any Sewage is discharged or is proposed to be discharged to the Public Sewer System, and such Sewage contains the substances or possesses the characteristics enumerated in Section 4.3 or Section 4.4, and which in the judgment of the Village may have a harmful effect upon the Public Sewer System or which otherwise create a hazard to life or constitute a public nuisance or jeopardize the integrity of the Public Sewer System, the Village may take the actions necessary to:
- a. Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.
 - b. Reject the Sewage.
 - c. Require the Pretreatment of Sewage to an acceptable condition prior to discharge to the Public Sewer System.
 - d. Require control over the quantities and rates of discharge.
 - e. Require periodic monitoring and/or sampling (using a Composite Sample) and periodic reporting to the Village of the characteristics of the Sewage discharged by the User at such times and in the manner required by the Village.
 - f. Discontinue service to a User, if the Village determines that discontinuance of service to the User is necessary to protect the integrity of the Public Sewer System. The Village may authorize restoration of service to the affected User when the Village determines that the threat to the Public Sewer System no longer exists and that the cause or events resulting in the related violation will not recur.

Any Nondomestic User which discharges Industrial Wastes to the System shall pretreat or limit the discharge to conform to standards set forth in 40 CFR 403 (Pretreatment) or any applicable more stringent state or local rules, regulations or standards.

- 4.7 Special Arrangements; Surcharge.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any User whereby Sewage of unusual strength or character may be accepted by the Village for treatment, and the payment of a User Surcharge by the User, provided such Sewage will not damage the Public Sewer System.

- 4.8 Grease, Oil, and Sand Interceptors.** Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Village to be necessary for the proper handling of Sewage containing ingredients described in Section 4.3. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be:

- a. Of the type and capacity prescribed by the Village,
- b. Located so as to be readily and easily accessible for cleaning and inspection,
- c. Constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- d. Of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Interceptors shall not be required for residential users.

- 4.9 Control Manhole.** All new Nondomestic Users and existing Nondomestic Users that have been determined by the Village to require monitoring shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Village, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Village and the Village engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Village shall be at the expense of the property

owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at the owner's expense.

4.10 Testing of Industrial Wastes. All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on Composite Samples obtained at the Control Manhole. Where no specific Control Manhole has been constructed, the Control Manhole shall be considered to be in the nearest downstream manhole in the Public Sewer System to the point at which the Building Sewer is connected. Costs for said testing may, at the discretion of the Village, be charged to the User discharging the Industrial Wastes as a Miscellaneous User Fee.

4.11 Test Standards. All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with Laboratory Determinations. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Public Sewer System and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24-hour Composite Sample of all outfalls of a Premises is appropriate or whether Composite Samples should be taken.

4.12 Confidential Information.

- a. Information and data on a User obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User and that the information need not be disclosed in accordance with any applicable Freedom of Information Act or any other applicable law.
- b. When requested by the Person furnishing a report which might disclose trade secrets, such report shall be kept confidential to the extent permitted by law except that the report shall be made available upon written requests to governmental agencies for Users related to this article, the NPDES permit or any Pretreatment programs and it shall be available for use by the state or any state agency in judicial review or enforcement proceeding involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- c. Information accepted by the Village as confidential shall not be transmitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the User. If any applicable state or federal law, rule or regulation conflicts with any provision of this article by requiring a greater degree of disclosure, that state or federal law, rule or regulation shall govern.

4.13 Self-Monitoring. The Village may require Nondomestic Users to conduct self-monitoring. The Village shall determine the frequency of self-monitoring necessary to assess and ensure compliance by the Nondomestic User with applicable Pretreatment Standards and Pretreatment Requirements. The Village may require the Nondomestic User to provide a split of self-monitoring samples. The Village shall require appropriate reporting from Nondomestic Users required to conduct self-monitoring.

4.14 Nondomestic User Notification Requirements.

- a. All Nondomestic Users shall notify the Public Sewer System immediately of any accidental spills, unusual discharges, or slug loads. All Nondomestic Users shall promptly notify the Public Sewer System in advance of any substantial change in the volume or character of Pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Nondomestic User has submitted initial notification under 40 CFR, 403.12(p).
- b. If self-monitoring performed by a Nondomestic User indicates a violation, the User shall notify the Village within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results to the Village within 30 days after becoming aware of the violation except the Nondomestic User is not required to resample if:

1. The Village performs sampling of the Nondomestic User at a frequency of at least once per month; and
2. The Village performs sampling of the Nondomestic User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

4.15 Harmful Contributions.

- a. The Village Manager may suspend sewer and water service when such suspension is necessary to stop an actual or threatened discharge which may present imminent substantial endangerment to the health or welfare of Persons, to the environment, cause interference to the Sewage Works or cause the Village to violate any condition of its NPDES Permit.
- b. Any Person notified of a possible suspension of water or wastewater treatment service shall immediately stop or eliminate the contribution.
- c. In the event of failure of the Person to voluntarily comply with any discharge permit, the Village may take such steps as deemed necessary including immediate suspension of sewer and water service, to prevent or minimize damage to the Sewage Works or endangerment of any individuals.
- d. The Village Manager shall reinstate the sewer and water service upon proof of the elimination of the non-complying discharge.
 1. A detailed written statement submitted by the User describing the causes of the harmful contribution; and
 2. The measures taken to prevent any future occurrence shall be submitted to the Village within 15 days of the date of occurrence.

5. ARTICLE V: SEWER RATES AND CHARGES

5.1 Public Utility Basis; Fiscal Year. The System shall be operated and maintained by the Village on a public utility basis pursuant to state law under the supervision and control of the Village Council. The Village may employ such Person or Persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operations of the Public Sewer System. The Public Sewer System shall be operated on the basis of the Village's fiscal year. Sewer Rates and Charges for connection to and use of the Public Sewer System shall be charged to each User in accordance with this ordinance and any rate resolution adopted by the Village Council from time to time in the amounts set forth in such rate resolutions.

5.2 User Charge and Debt Service Charge. The User Charge shall be as follows:

- a. Users connected to the Public Water System shall pay a monthly Readiness to Serve Charge per Unit, billed in arrears, based on the size of the public water meter which serves the premises, as established by resolution of the Village Council from time to time.
- b. Users connected to the Public Water System shall pay a monthly Commodity Charge, to be billed in arrears, based on the metered water usage during the immediately preceding month, in an amount established by resolution of the Village Council from time to time. In setting the Commodity Charge for such Users, the following shall be taken into account:
 1. The Commodity Charge for Users shall take into account metered water that does not enter the System (e.g. Lawn and garden irrigation water, cooling water, unpolluted air-conditioning water or unpolluted industrial process water) if such metered water is separately metered by a deduct or irrigation meter in a manner acceptable to the Village. Accordingly, the Commodity Charge for such a User shall be based upon the "net" metered water usage determined by subtracting the volume of water metered by the deduct or irrigation meter from the volume of water metered by the public water meter.

2. The Commodity Charge shall be based upon the water used by the User during the preceding month. If a meter fails to register properly, the consumption for the billing period will be estimated from the consumption of a preceding period when water was measured. If a meter reader is unable to gain access to a meter for reading after two calls, the Village may estimate the bill and make appropriate adjustments on the bill for the succeeding billing period. In general, the Village reserves the right to base the Commodity Charge on estimated water usage due to the inability to read a water meter as a result of inclement weather, acts of God, a broken water meter, blocked access to the water meter readout, an unauthorized water meter bypass, a program malfunction and similar events beyond the control of the Village.
- c. For Users not connected to the Public Water System and whose water is not metered by a water meter, the Village may establish by resolution from time to time a User Charge, billed in arrears, as a flat-rate per Unit.
- d. In lieu of, or partially in lieu of, including a debt service component as part of the User Charge, including the Readiness to Serve Charge and/or the Commodity Charge, a Debt Service Charge based on the size of the public water meter which serves a User connected to the Public Water System or based on Units for a User which is not connected to the Public Water System may be established by resolution of the Village Council from time to time. The Debt Service Charge or the debt service component, if any, of the User Charge, including the Readiness to Serve Charge and/or the Commodity Charge, may, in the discretion of the Village, be set in different amounts for Users located in different areas and served by different portions of the Public Sewer System based upon the differences in cost attributable to each portion of the Public Sewer System.
- e. User Charges and Debt Service Charges shall begin to accrue as of the day of the connection of the Building Sewer to the Public Sewer System in accordance with Article 3, above. If appropriate, the billing of said charges for the initial billing period shall be prorated in arrears.
- f. Monthly Commodity Charges shall be discontinued to any premises, after the owner of such premises certifies on a form in such case made and provided to the Decatur Sewer Department, that the premises have become vacant in that same are no longer used for human occupancy, employment, manufacturing, business, educational, religious, recreational or other purposes; provided, however, that upon said premises ceasing to be vacant the owner of same shall immediately notify the Decatur Sewer Department in writing of such fact whereupon said monthly sewer charges shall be reinstated. The owner or responsible tenant may be liable for sewer use charges for the month that same is discontinued and for the month that same is reinstated.

5.3 Connection Fee and Service Connection. The owner of each Premises required by Article III to connect to the Public Sewer System shall pay a Connection Fee.

- a. **Connection Fee.** The Connection Fee shall be computed in the following manner:
 1. For a Direct Connection to the Public Sewer System, the Connection Fee shall be a rate per Unit established by resolution of the Village Council from time to time.
 2. For an Indirect Connection to the Public Sewer System, the Connection Fee shall be a rate per Unit established by resolution of the Village Council from time to time.
 3. The Connection Fee may be set in different amounts per Unit for Direct Connections and Indirect Connections for connections to the Public Sewer System as originally constructed (the "Original Public Sewer System") and extensions thereto, whether located within or without the Service District or any Special Assessment District or extended in accordance with Section 2.6, Section 2.7, Section 2.8, or Section 2.9 and the differences in cost attributable to each portion of the Public Sewer System or extensions thereof. It is the expectation of the Village that the amount of the Connection Fee for Direct Connections and Indirect Connections to extensions of the Original Public Sewer System shall not be less than the amount of the Connection Fee for Direct Connections and Indirect Connections to the Original Public Sewer System.

- b. **Cost and Expense of Service Connection.** In addition to the Connection Fee as computed in (a) above, the owner of the Premises shall be liable for the costs and expenses of acquiring from the Village and installing the Service Connection pursuant to Village specifications on file at the Village. The Village shall determine the type of Service Connection for each User on the basis of conformity to prior installations and the integrity of the Public Sewer System.
- c. **Credit for Special Assessments.** There shall be a credit against the Connection Fee to a Premises in the principal amount of any special assessment which has been assessed by the Village upon the Premises for payment of part of the cost of the Public Sewer System. Credit for the same special assessment may not be taken more than once and, in no event, shall the credit be greater than the amount of the Connection Fee. For example, if a special assessment of \$1,000 has been assessed upon a Premises and the Connection Fee is \$1,000; no amount would be payable as a Connection Fee because the full \$1,000 special assessment would be a credit against the Connection Fee. If the Connection Fee is \$1,200, the customer would receive a \$1,000 special assessment credit and pay a Connection Fee for the remaining balance of \$200. If the Connection Fee is \$500, the customer would pay nothing but also would receive nothing because the credit for the special assessment will not be considered greater than the Connection Fee.
- d. **Installment Payment of Connection Fee.** The property owner may elect to pay the Connection Fee either by a single payment or in installments over a period not to exceed five (5) years. The property owner electing to pay by the installment method shall in writing agree to pay the Connection Fee in five (5) or fewer equal annual installments of principal, plus interest of ten percent (10%) per annum. Any annual installment, including interest due, not paid when due, from and after the date when due, shall be subject to a one-time four percent (4%) penalty charge, plus interest at the rate of seventy-five hundredths of one percent (0.75%) for each month or portion thereof payment is past due. In addition, interest at the rate of ten percent (10.0%) per annum shall continue to accrue on the entire amount of unpaid principal including any late installment subject to the penalties. The first installment shall be due and payable prior to the issuance of a connection permit in accordance with Article 3.
- e. **Cash Payment.** Except for installment payments permitted by the terms of Section 5.3(d) above, the Connection Fee shall be paid in cash, to the extent not offset by a credit in accordance with Section 5.3(c), prior to the issuance by the Village of a connection permit to connect to the Public Sewer System pursuant to Article 3.
- f. **Increased Utilization of Public Sewer System.** In the event a change in the use of a Premises is proposed which will increase the utilization by that Premises of the Public Sewer System, then the owner of the Premises shall submit a new application for a connection permit to the Village. In this circumstance, the Village shall, without metering in accordance with Appendix A, assign additional Units to the Premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned Units shall be payable in accordance with the procedures set forth in Article 3 for the issuance of a Service Connection permit. No refunds shall be given for a change in use which decreases the Unit assignment to a Premises.
- g. **Repair and Replacement of Sewer Lead.** In the event the connection of a Building Sewer to a Sewer Lead for a Premises for which a Connection Fee has been paid is repaired, revised, or replaced, as a result of damage, destruction, remodeling or replacement of the Structure in Which Sanitary Sewage Originates on such Premises, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement and provided further that the owner of the Premises pays all costs related to the repair, revision, or replacement of the Building Sewer and Sewer Lead. An additional Inspection and Administration Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances, as determined by the Village.

5.4 Miscellaneous User Fee. The Village shall, from time to time, establish by resolution of the Village Council and impose on one or more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs

and related administrative and enforcement costs of the Village associated with the Public Sewer System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including, for example, excessive inspection services not covered by the Inspection and Administration Fee, costs of repairing and/or replacing a damaged Service Connection, discharges of Sewage or Wastewater in violation of this ordinance, costs of abating a nuisance pursuant to Section 10.4 hereof, and costs incurred by the Village to shut off and turn on water or sewer service.

5.5 Inspection and Administration Fee. The Inspection and Administration Fee shall be determined from time to time by resolution of the Village Council, based upon the recommendation of the Village, and shall be based upon the actual cost borne by the Village for its Inspector(s).

5.6 Billing of Sewer Rates and Charges. The Village shall bill and collect all User Fees, Debt Service Fees, and User Surcharges on a monthly basis. A Miscellaneous User Fee shall be billed by the Village, on behalf of the Village, promptly after the circumstances which gave rise to the Miscellaneous User Fee.

The Village shall mail each User a bill on or before the 1st day of the first month of the billing period. Payment of a monthly bill that is rendered by the Village is due and payable on or before the 20th day of the monthly billing period. The bill shall separately itemize the Sewer Rates and Charges. Payment of said bill shall be made at a location and in a manner designated by the Village.

5.7 Unpaid Sewer Rates and Charges; Penalty. Payments received after the due date shall bear a penalty as established by resolution of the Village Council from time to time.

5.8 Unpaid Sewer Rates and Charges; Remedies. If Sewer Rates and Charges are not paid on or before the due date, the Village pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may:

- a. Discontinue the services provided by the Public Sewer System by disconnecting the Building Sewer from the Service Connection, or for properties connected to the Public Water System, discontinue the services provided by the Public Water System to any premises for which charges for sewer service are more than fifty (50) days delinquent, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest, and all expenses incurred by the Village for shutting off and turning on the service, shall be paid to the Village;
- b. Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest, and reasonable attorney fees; or
- c. Enforce the lien created in Section 5.9 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this ordinance or now or hereafter existing at law or equity. Under no circumstances shall action taken by the Village to collect unpaid Sewer Rates and Charges, penalties, and interest, invalidate or waive the lien created by Section 5.9 below.

5.9 Lien. The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Village Clerk shall certify all Sewer Rates and Charges delinquent as of May 1st and penalties thereon, annually, on or before May 1st, of each year, to the County Treasurer's Office, who shall enter the delinquent Sewer Rates and Charges and penalties, together with an additional penalty equal to 3% of the total, upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises.

5.10 No Free Service. No free service shall be furnished by the System to any person, public or private, or to any public agency or instrumentality.

5.11 Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after written notice is given that a tenant is responsible for such charges and services. The filing of written notice by the landlord shall be accompanied by a security deposit as established by resolution of the Village Council from time to time. Upon the failure of the tenant to pay the Sewer Rates and Charges when

due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. The tenant shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights, and remedies set forth in Sections 5.8 and 5.9 of this Article shall be immediately applicable with respect to the unpaid Sewer Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be refunded to the depositor upon final termination of sewer services and upon payment of all charges for such service; provided, however, that the Village Council may authorize the return of said deposit or a portion thereof, at any time prior to the final termination of sewer service, if all sewer charges have been promptly paid.

5.12 Cancellation of Permits; Disconnection of Service. Applications for connection permits may be canceled and/or sewer service disconnected by the Village for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- a. Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- b. Nonpayment of Sewer Rates and Charges.
- c. Failure to keep Building Sewers and Control Manholes in a suitable state of repair.
- d. Discharges in violation of this Ordinance.
- e. Damage to any part of the System.

5.13 Security Deposit. If the sewer service or Public Water System service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, interest, penalties, and the turn-on charge has been paid. The Village may, as a condition to reconnecting said service, request that a sum as established by resolution of the Village Council from time to time be placed on deposit with the Village for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. The User shall immediately make sufficient payment to the Village to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights, and remedies set forth in Sections 5.8 and 5.9 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve consecutive months.

5.14 Billing Address. Bills and notices relating to the conduct of the business of the Village will be mailed to the User at the address listed on the permit application filed pursuant to Article 3 unless a change of address has been filed in writing at the business office of the Village, and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

5.15 Interruption of Service; Claims. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, it will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the collection system or the treatment equipment, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Village shall not, in any event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

6. ARTICLE VI: REVENUES

6.1 Estimated Rates; Sufficiency. The User Charges are to be sufficient to provide for the cost of Operation and Maintenance of the Public Sewer System as necessary to preserve the same in good repair and working order.

Such rates shall be fixed and revised by resolution of the Village Council from time to time as may be necessary to produce these amounts and to comply with the Village's obligations to pay outstanding debt. An annual audit shall be prepared by the Village. Based on this audit and the annual budget prepared by the Village for the Public Sewer System, Sewer Rates and Charges shall be reviewed annually by the Village and revised by the Village as necessary to meet system expenses and to ensure that all Users pay their proportionate share of the Cost of Operation and Maintenance.

- 6.2 Revenues; Depository.** The revenues of the System shall be set aside, as collected and deposited in the Receiving Fund. The Receiving Fund shall be held and administered by the Village.

7. ARTICLE VII: ADMINISTRATIVE APPEALS; BOARD OF APPEALS

- 7.1 Informal Hearing.** In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary financial hardship would result from carrying out the strict letter of this Ordinance, an informal hearing before the Village Utilities Committee may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within ninety (90) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than thirty (30) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Village offices or at such place as designated by the Village Utilities Committee. The Village Utilities Committee may grant the appeal, reject the appeal, or schedule a second informal hearing not more than thirty (30) days after the initial hearing to allow time for study or to gather additional information. The Village Utilities Committee shall issue a written statement of its decision within fifteen (15) business days after the informal hearing.
- 7.2 Board of Appeals.** In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Village Council shall serve as a Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Village Utilities Committee and to determine, in particular cases, whether this Ordinance has been misapplied or any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health, safety or welfare. In all appeals, the appellant shall have the burden of proof.
- 7.3 Appeals from Informal Hearing.** Appeals from the written decisions of the Village Utilities Committee may be made to the Village Council, acting as a Board of Appeals, within thirty (30) days from the date of the written decision of the Village Utilities Committee. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Village Utilities Committee and with the Board of Appeals, specifying the ground therefore. Prior to a hearing, the Village Utilities Committee shall transmit to the Board of Appeals a summary report of all previous action taken. The Board of Appeals may, at its discretion, call upon the Village Utilities Committee to explain the action. The final disposition of the appeal shall be in the form of a resolution either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board of Appeals must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board of Appeals shall be final.

The Board of Appeals shall meet at such times as the Board of Appeals may determine. There shall be a fixed place of the meeting and all meetings shall be open to the public in accordance with applicable laws. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board of Appeals, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

- 7.4 Payment of Amounts Outstanding.** All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Village. Upon resolution of any appeal, the Village shall adjust such amounts

accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

7.5 Effect of Administrative Action. If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, an action subject to appeal shall be suspended until a final determination has been made, except for immediate cease and desist orders issued pursuant to this Ordinance.

7.6 Appeal from Board of Appeals. Appeals from the determinations of the Board of Appeals may be made to the Van Buren County Court within twenty (20) days as provided by law. All findings of fact, if supported by the evidence, made by the Board of Appeals shall be conclusive upon the Court.

8. ARTICLE VIII: NOTICE AND CLAIM PROCEDURES FOR SEWER OVERFLOW OR BACKUP

8.1 Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer System. This Section 8.1 has been adopted in accordance with Act 222 to set forth the notice and claim procedures applicable to a Sewage Disposal System Event. To afford property owners, individuals, and the Village greater efficiency, certainty, and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Village and any Claimant making a claim for economic damages shall follow the following procedures:

- a. A Claimant is not entitled to compensation unless the Claimant notifies the Village of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.
- b. The written notice under subsection (a) shall contain the Claimant's name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.
- c. The written notice under subsection (a) shall be sent to the Village Manager, who is hereby designated as the individual at the Village to receive such notices pursuant to Section 19 of Act 222.
- d. If a Claimant who owns or occupies affected property notifies the Village, orally or in writing, of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections (a), (b) and (c), the Village shall provide the Claimant with a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.
- e. If the Village is notified of a claim under subsection (a) and the Village believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Village shall notify each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Village receives the Claimant's notice under subsection (a).
- f. If the Village receives a notice from a Claimant or a different or additional governmental agency that complies with this Section 8.1, the Village may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of the affected property shall not unreasonably refuse to allow the Village or its duly authorized representatives to inspect the damaged property or investigate a physical injury.
- g. Prior to a determination of payment of compensation by the Village, the Claimant shall provide to the Village additional documentation and proof that:
 1. At the time of the Sewage Disposal System Event, the Village-owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused

- damage or physical injury;
 - 2. The Public Sewer System had a defect;
 - 3. The Village knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;
 - 4. The Village, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer System; and
 - 5. The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.
- h. Prior to a determination of payment of compensation by the Village, the Claimant shall also provide to the Village additional documentation and proof that neither of the following was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:
- 1. An obstruction in a Service Connection or a Building Sewer that was not caused by the Village; or,
 - 2. A connection on the affected Premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, downspout or connection of any other sort that discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water, or unpolluted industrial process waters to the Public Sewer System.
- i. If the Village and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.
- j. To facilitate compliance with this Section 8.1, the Village shall make available to the public information about the notice and claim procedures under this Section 8.1.
- k. The notice and claim procedures set forth in this Section 8.1 shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.
- l. The notice and claim procedures set forth in this Section do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain, or a combined sewer.
- m. In the event of a conflict between the notice and claim procedures set forth in this Section 8.1 and the specific requirements of Act 222, the specific requirements of Act 222 shall control.
- n. As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section 8.1 do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

Any word, term or phrase used in this Section 8.1, if defined in Act 222, shall have the same meaning provided under Act 222.

9. ARTICLE IX: INSPECTION BY VILLAGE

- 9.1 Inspection by Village.** The duly authorized representatives, employees, or agents of the Village, including, but not limited to, the Inspector, the Village Manager, the Health Department, and representatives of EGLE, bearing proper credentials and identification, shall be permitted to enter at any time, following reasonable prior notice, during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing, and emergency repairs in accordance with the provisions of the Ordinance. Any person who applies for and receives sewer services from the Village or owns real property in the Service District shall be deemed to have given consent for all such activities including entrance upon that Person's property.
- 9.2 Compliance with Safety Rules.** While performing the duties in Section 9.1 above, the duly authorized employees or representatives of the Village shall observe all reasonable safety rules applicable to the

premises established by the property owner or user.

10. ARTICLE X: ENFORCEMENT

- 10.1 Damage to System.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System.
- 10.2 Notice to Cease and Desist.** Except for violations of Section 10.1 hereof, any person found to be violating any provision of this Ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 10.3 Civil Infraction.** Any violation of Section 10.1, or any violation beyond the time limit provided for in Section 10.2, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said Person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The Village Manager shall be authorized, in the manner provided by law, to issue municipal civil infractions for violation of this Ordinance.
- 10.4 Nuisance; Abatement.** Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Village in the furtherance of the public health, safety, and welfare may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Village for the costs and expenses, including reasonable attorney fees, incurred by the Village in making such repairs or taking such action as a Miscellaneous User Fee.
- 10.5 Liability for Expenses.** Any person violating any of the provisions of this Ordinance shall become liable to the Village and its authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Village by reason of such violation as a Miscellaneous User Fee.
- 10.6 Remedies Are Cumulative.** The remedies provided by this Ordinance, including without limitation, the remedies set forth in Article 4 and this Article 10, shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Village. The Village may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Village's enforcement response plan. However, the Village may take other action against any User when the circumstances warrant. Further, the Village is empowered to take more than one enforcement action against any noncompliant user.

11. ARTICLE XI: MISCELLANEOUS

- 11.1 Repeal of Conflicts.** The Prior Village Sewer Ordinance is hereby repealed, subject to the provisions of Section 11.2 and Section 11.3 hereof, as of the effective date of this Ordinance.
- 11.2 Savings Clause Re: Violation of the Prior Village Sewer Ordinance.** An ordinance enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of the Prior Village Sewer Ordinance repealed by this Ordinance, or an ordinance enforcement action which is commenced within one (1) year after the effective date of this Ordinance arising from a violation of the Prior Village Sewer Ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be handled, determined and resolved in accordance with the remedies and procedures provided by the Prior Village Sewer Ordinance repealed by this Ordinance, exactly as if the Prior Village Sewer Ordinance had not been repealed.

- 11.3 Savings Clause Re: Collection of Sewer Rates and Charges Imposed Under the Prior Village Sewer Ordinance.** All sewer rates and charges (within the meaning of the Prior Village Sewer Ordinance) levied, imposed or accrued but not yet billed under the Prior Village Sewer Ordinance that are unbilled or uncollected as of the effective date of this Ordinance shall be billed and collected by the Village under the terms of this Village Ordinance. If such rates and charges cannot, for any reason, be billed or collected by the Village under the terms of this Village Ordinance, such rates and charges shall be collected in accordance with the terms, conditions, and procedures of the Prior Village Sewer Ordinance exactly as if the Prior Village Sewer Ordinance had not been repealed.
- 11.4 Severability.** The validity 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.
- 11.5 State and Federal Law Requirements.** If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.
- 11.6 Article and Section Headings.** The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.
- 11.7 Reservation of Right to Amend.** The Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided.

12. ARTICLE XII: PUBLICATION AND EFFECTIVE DATE

- 12.1 Publication.** A true copy or a summary of this Ordinance shall be published in *The Decatur Republican*, a newspaper of general circulation within the boundaries of the Village qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Village. This Ordinance shall be recorded in the minutes of the Village Council of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Village.
- 12.2 Effective Date.** This Ordinance shall be in full force and effect on the 1st of May 2020.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 2nd day of March 2020.

Ali Elwaer, Village President

Kimberly Babcock, Village Clerk & Treasurer

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 2nd day of March 2020 and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2020.

Kimberly Babcock, Village Clerk & Treasurer