

Chapter 42 - UTILITIES

Footnotes:

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State Law reference— *Ownership and operation of public service facilities by city, Mich. Const. 1963 art. 7, § 24; local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.*

ARTICLE I. - IN GENERAL

Secs. 42-1—42-18. - Reserved.

ARTICLE II. - WATER

DIVISION 1. - GENERALLY

Sec. 42-19. - Purpose.

The purpose of this article is to establish standards, rules and regulations with respect to the use of the city waterworks system and to provide a method for establishing the rates and charges for the connection to and use of the system.

(Code 2009, § 1040.01; Ord. No. 2014-3, § 1040.01, 12-30-2014)

Sec. 42-20. - Definitions.

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

Commodity charge means the cost associated with providing water to the users. The term "commodity charge" is the actual budget cost of the operation, maintenance and repair, divided by the estimated number of gallons to be produced, for delivery to the users. The term "commodity charge" may also include all or a portion of the annual debt service expense incurred by the water supply system.

Contaminated groundwater means groundwater which there is present concentrations of chemical compounds that exceed the residential drinking water criteria established by the EGLE by rule or operational memoranda pursuant to MCL 324.20101 to 324.20142.

DWRPD means the drinking water and radiologic protection division of the EGLE or its successor agency.

EGLE means the state department of environment, Great Lakes and energy or its predecessor or successor agency.

Groundwater means underground water within the zone of saturation.

Premises means each commercial building or residential unit connected to the water supply system of the city.

Ready to serve charge means the costs associated with retiring all or a portion of the debt of the water supply system, capital improvements and maintenance and repair. The monthly charge is based upon the users' meter size, and will be charged, per unit.

Unit means a single-family structure or any separate residential living space (e.g., an apartment).

User means any person who receives water from or benefits from the water supply system.

Water main means that part of the water distribution system located within easement lines or street designed to supply more than one water service line.

Water service lines means that part of the water distribution system connecting the water main with the premises served.

Water supply system means the complete water supply system of the city, including all water mains, connections, pipes, meters, hydrants, wells, well houses, pumps, water storage facilities, transmission lines, water service lines and all water treatment facilities, plants, works, instrumentalities and properties used or useful in obtaining a water supply, treating and distributing the same for domestic, commercial, industrial, institutional or fire protection purposes, and all other appurtenances, thereto, including all easements, rights and land for such easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the water supply system.

Well means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose.

(Code 2009, § 1040.02; Ord. No. 2014-3, § 1040.02, 12-30-2014; Ord. No. 2018-3, § 2(1040.02), 10-1-2018)

Sec. 42-21. - Management of the waterworks system.

- (a) *Operation and control.* The municipal waterworks system of the city shall be operated and controlled by the city council, it being the duty of the sewer, water and streets committee of the city council to give special attention and supervision to the waterworks system.
- (b) *Active supervision.* The active supervision of the waterworks system is under the city water department, which will exercise supervision under the general direction of the city manager.
- (c) *Duties of water department.* It is the duty of the water department to read and repair all meters; to exercise constant watchfulness for water leaks; to see that all meters are properly sealed; that all water used on the premises is properly used as contracted and that all service lines from the water main up to and including the shut off box, curb cocks, curb boxes and stop cocks are kept in good repair. The property owner or consumer shall be responsible for all maintenance of the service lines from the shut off box to the meter.

(Code 2009, § 1040.02; Ord. No. 2014-3, § 1040.02, 12-30-2014; Ord. No. 2018-3, § 2(1040.02), 10-1-2018)

Sec. 42-22. - Use of water from city fire hydrants.

Only city personnel or others specifically authorized shall operate fire hydrants. Requests to use water from fire hydrants may be granted when such requests are accompanied by the established security deposit. Permission to use water from fire hydrants shall be in writing and such written permission must be produced when so requested by the city's authorized personnel. Water used will be charged at established rates. Persons using water from fire hydrants without first obtaining permission from the city are subject to civil infraction fines.

(Code 2009, § 1040.10; Ord. No. 2014-3, § 1040.10, 12-30-2014)

Sec. 42-23. - Sources of pollution to be isolated from city water sources.

It is unlawful for any person to erect, maintain or use any outhouse, privy, cesspool, barn where animals are kept, manure pile, or other source of pollution within 200 feet of any well owned by the city and used as a source of water supply for the people of the city. Each day that any such building or source of pollution is used or maintained shall constitute a separate violation of this article.

(Code 2009, § 1040.11; Ord. No. 2014-3, § 1040.11, 12-30-2014)

Sec. 42-24. - No fluoride added to city water supply system.

In reference to Public Act 346 of 1968, the city council has taken appropriate action to reject adding fluoride to the water supply system.

(Code 2009, § 1040.12; Ord. No. 2014-3, § 1040.12, 12-30-2014)

Sec. 42-25. - Service interruptions for repair, maintenance and emergencies.

The city shall have the right to interrupt service without notice in the case of breakdowns or for other unavoidable causes or for the purpose of making necessary repairs, connections, or maintenance. Reasonable notice of the service interruption shall be given to consumers when practicable.

(Code 2009, § 1040.06; Ord. No. 2014-3, § 1040.06, 12-30-2014; Ord. No. 2018-3, § 2(1040.06), 10-1-2018; Ord. No. 2019-05(2), § 4, 9-3-2019)

Sec. 42-26. - Enforcement; penalties and other remedies.

- (a) *City manager to enforce.* Notwithstanding any other provision of this article to the contrary, the city manager shall be responsible for the enforcement of this article, including the issuance of municipal civil infraction citations and municipal civil infraction violation notices for violations of this article.
- (b) *Withholding of building or improvement permit.* No permit for building, alteration or other required permit for a premises or improvement thereon shall be issued by the city for any premises found to be in violation of this article, or where it is proposed to install or use a well in violation of this article.
- (c) *Injunctive relief.* The city may further enforce this section by action seeking injunctive relief. Any well in violation of this article shall be deemed a nuisance subject to abatement.
- (d) *Recovery of costs.* Any consumer violating any of the provisions of this article, or who causes loss or

damage to or impairs the city water supply system may be liable to the city for any expense loss or damage caused by such violation of damage. The city may bill the discharger for such costs incurred by the city for any supervision, investigation, sampling, administration, cleaning, repair, or replacement work caused by the violation or damage. Refusal to pay the assessed costs shall constitute a violation of this article enforceable under the provision of this article.

- (e) *Penalties for civil infraction.* Except as provided in section 42-58, a person who violates any provision of this article (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the city under this article) is responsible for a municipal civil infraction, as provided in section 1-13, subject to payment of civil fine of up to \$500.00 per day for each infraction, plus costs and other sanctions.
- (f) *Repeat offenses and increased fines.* Increased fines may be imposed for repeat offenses. As used in this section, the term "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this article committed by a person within any 90-day period and for which the person admits responsibility or is determined to be responsible. The increased fine for any offense that is a first repeat offense shall be \$1,000.00 per day, plus costs. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be \$2,500.00, per day, plus costs.
- (g) *Criminal penalties.* Any person who knowingly makes any false statement representation, or certification in any application, record, report, plan, or other document filed required to be maintained pursuant to this article, or who falsifies, tampers with or knowingly renders inaccurate any metering device required under this article, shall, upon conviction, be punished by the imposition of a criminal penalty of not more than \$500.00 or by imprisonment for not more than six months, or by both.

(Code 2009, § 1040.13; Ord. No. 2014-3, § 1040.13, 12-30-2014)

Sec. 42-27. - Violations by user sharing a single service pipe apply to persons sharing pipe.

When two or more buildings or units are supplied through a single service pipe, any violation of the rules of the department with reference to either shall be deemed a violation as to all, and the department may take such action as could be taken as to a single building or unit.

(Code 2009, § 1040.06; Ord. No. 2014-3, § 1040.06, 12-30-2014; Ord. No. 2018-3, § 2(1040.06), 10-1-2018; Ord. No. 2019-05(2), § 4, 9-3-2019)

Secs. 42-28—42-57. - Reserved.

DIVISION 2. - CONNECTIONS

Sec. 42-58. - Mandatory connection; exceptions.

- (a) Except as otherwise provided herein, any property or structure in or on which water is used or consumed and which has city water "available" to it shall be connected to the city water supply system. Such

connection shall be made within 90 days of written notice from the city to do so. For purposes of this section, city water shall be considered available if the city water supply system is located within 200 feet of the nearest property line of the property.

- (b) The installation of new private wells is prohibited, except for properties that do not have city water available. A private well existing on the date of the adoption of the ordinance from which this section is derived may continue to be used until it is no longer operable. A private well that has been disconnected from any structure on the property that is still operable shall be used solely for outdoor purposes only. A private well that is disconnected from a structure and that is still in service shall be subject to inspection as part of the city's cross connection program and shall be registered under the state health department regulations within 90 days of the disconnection.

(Code 2009, § 1040.08; Ord. No. 2011-4, § 2, 12-19-2011; Ord. No. 2014-3, § 1040.08(j), 12-30-2014)

Sec. 42-59. - Service connections.

- (a) *Water connection.* Water connections shall be installed in accordance with the rules and regulations of the city. All water connections are the property of the city. The water connection is the section of the water lateral extending from the water main to the edge of the public right of way or easement.
- (b) *Failure to pay charges.* Should any customer fail or neglect to pay the service connection charges imposed by the city, the city may collect the same by suit in a court of competent jurisdiction. In addition, the city may shut-off and discontinue any further water service to the premises in default and may use any or all methods of collection provided in MCL 123.131 et seq. and 141.101 et seq.
- (c) *Time for inspection.* The applicant for the connection shall notify the city when the service line is ready for inspection and connection. The connection shall be made under the direction of city personnel.
- (d) *Service valve.* No curb box shall be opened and no valve shall be operated either to turn off or turn on water supply by anyone other than an authorized city employee. Such tampering is punishable as described in section 1-13. Special permission may be given by the city manager with at least eight hours advanced notice.
- (e) *Maintenance of services.* All services exclusive of the fire services, used for domestic, commercial and industrial purposes will be maintained, from the main to the curb valve, by city personnel. This maintenance will be done without cost to the property owner, except as hereinafter noted. In case of any damage to service through negligence of the owner or his agent, the cost of maintenance plus 25 percent will be charged to the property owner.
- (f) *Customer's duty to notify for discontinuance of service.* The customer shall notify the city if water service is to be discontinued or if the premises are to be vacated so that water may be shut off. Failure to notify will result in continuing service charges. The customer is responsible for any damage to the water meter caused by freezing in any unoccupied building. Upon request and payment of the established fees the water will be turned on. When service is discontinued the meter shall be read and a partial bill rendered.

(Code 2009, § 1040.03; Ord. No. 2014-3, § 1040.03, 12-30-2014)

Sec. 42-60. - Construction specifications.

- (a) *Excavation.* All excavation required for the installation of a water service line shall be open trench work unless otherwise approved by the city. Pipe laying and backfilling shall be performed in accordance with the standard specifications for excavating, trenching and backfilling, except that no backfill shall be placed until the work has been inspected.
- (b) *Minimum water main size.* The minimum water main size shall not be less than six inches in diameter and conform to the city's water main specifications.
- (c) *Service line standards and size.* The service line shall be copper conforming to the city's water main specifications. The size of the service line shall be subject to the approval of the city but in no event shall the inside diameter be less than one inch for a single-family residence or less than 1½ inch for multiple family dwelling or commercial establishment.
- (d) *Depth separation from building sewer and bedding.* A separate and independent service line shall be provided for each building. The service line shall be separated from the building sewer by at least ten feet. Both conduits shall be bedded according to city specifications.
- (e) *Reduced pressure principle backflow preventer.* All new, commercial and industrial water services shall have installed on the street side of the water meter, a backflow preventer as provided in this article. The backflow preventer must be approved of the state health department.
- (f) *State department of environment, Great Lakes and energy.* Proposed extensions to the city water system must be approved on a construction permit issued by the state department of environment, Great Lakes and energy, before construction is begun.
- (g) *Testing.* The service line will be tested under the direction of city utility personnel at the same pressure as the water main to which the service line is connected normally operates. The entire service line shall be completely watertight under test conditions.
- (h) *MISS DIG System.* Any person wishing to perform work on a connection to the water supply system shall notify MISS DIG at least 72 hours before performing the work, and the department at least 24 hours before performing the work.

(Code 2009, § 1040.09; Ord. No. 2014-3, § 1040.09, 12-30-2014)

Sec. 42-61. - Cross connections.

- (a) The city adopts by reference the water supply cross connection rules of the state department of environment, Great Lakes and energy, Mich. Admin. Code, R. 325.11401 to 325.11407.
- (b) It is the duty of the city to cause inspections to be made of all properties served by the public drinking water supply where cross connections with the public drinking water supply are deemed possible. The frequency of inspections and re-inspections based on the potential health hazards involved shall be as established by the city and as approved by the state department of environment, Great Lakes and energy.
- (c) The representative of the city shall have the right to enter at any reasonable time any property served by the connection to the public drinking water supply of the city for the purpose of inspecting the piping

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

- (d) The city is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public drinking water supply. Water service to such property shall not be restored until the cross connections has been eliminated in compliance with the provisions of this article. The city is responsible for all water mains and water service lines up to the water shut-off box. The user is responsible for maintenance of the water service line from the shut-off box to the building as well as all inside plumbing. The city shall furnish the meter and yoke, billing the same to the property owner on initial installation and then maintaining the same at the city's expense. In no case shall water service lines be allowed to leak more than 24 hours without repair. In the case of a line leaking after 24 hours and the property owner's being notified, the city shall shut off the water supply at the water shut-off box.
- (e) All testable backflow prevention assemblies shall be tested at the time of installation, relocation, repairs or put back into service in warm months. Subsequent testing of assemblies shall be conducted at a time interval specified by the director and in accordance with state quality requirements. Only individuals that hold a valid state certification and have successfully passed and approved backflow testing class shall perform such testing. Each tester shall also be approved by the director. Individuals performing assembly testing shall certify the results of his testing.
- (f) That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: "Water unsafe for drinking."
- (g) This article does not supersede the state plumbing code but is supplementary to it.

(Code 2009, § 1040.07; Ord. No. 2012-1, § 2, 1-3-2012; Ord. No. 2014-3, § 1040.07, 12-30-2014)

Sec. 42-62. - Discontinuance of service.

Utility service may be discontinued for any of the following reasons:

- (1) For a misrepresentation in the application as to property or fixtures to be supplied or the use to be made of the water supply.
- (2) For adding units or applicable fixtures, which changes the use to be made of the water supply, without notice to the city.
- (3) For the use of water for any other property or purpose than has been previously approved.
- (4) For any tampering with the meter measuring the water supply as to affect its proper operation and the registration of the water supplied or with the seals on the meter.
- (5) For waste of water through improper or imperfect pipes, fixtures or otherwise.

- (6) For neglecting to make or renew advance payment or for non-payment of any account for water supply meter or service maintenance.
- (7) For any tampering with any special service pipes or the seals thereon, or with the curb stop cock, or any other appliance of the water department, controlling or regulating the water supply.
- (8) In case of the vacancy of the premises.
- (9) For the violation of any rules of the water department.

(Code 2009, § 1040.06; Ord. No. 2014-3, § 1040.06, 12-30-2014; Ord. No. 2018-3, § 2(1040.06), 10-1-2018; Ord. No. 2019-05(2), § 4, 9-3-2019)

Secs. 42-63—42-82. - Reserved.

DIVISION 3. - METERS

Sec. 42-83. - Supply and servicing standards.

- (a) All new services shall be metered. New service includes the conversion of a residential unit or units into two or more additional units. Each residential unit in a multi-residential unit building or structure shall have its own meter. The city reserves the right to place meters on services now in existence as rapidly as possible without application from the consumer.
- (b) The consumer shall notify the director of any injury to or of the nonworking of any meter in his possession. In case of a disputed account, involving the accuracy of the registration of the meter, the meter shall be tested by the city. In case of such over-registration or if the meter under registers four percent or more, the registration shall be re-adjusted to correspond, and the bill corrected accordingly.
- (c) Meter connection fees shall be established by the city council by resolution.
- (d) All meters shall be located just within the foundation walls of the building supplied, unless otherwise stipulated by the director, and in a proper place providing protection from theft, freezing, hot water breakage, or other causes over which the consumer has no control.
- (e) All water supplied to metered premises must pass through the meter.
- (f) No meter shall be taken off by plumbers or others, after it has been set, except under written permit and supervision of the director.
- (g) The director shall have the right to determine the size of the meter required for any service.
- (h) It is unlawful for any person to attach a water meter to any service pipe of the city waterworks system, unless the water meter shall be installed by the city or under its supervision.
- (i) All connections or tapping of pipes belonging to the city will be made by the city, or under its supervision but in no case shall connections be made until a permit stating the size and location of the same, is granted by the city to the party desiring to connect. The size of the service pipe is the same as that of the tap, or of equal area.
- (j) The size of the taps and services shall be determined at the time of making the application for a water

service, parties contemplating the erection of a large building for a business block, factory, etc., must determine the size of the service necessary for supplying such blocks, or factory upon its completion.

- (k) When a meter is used in connection with steam, hot water boilers, or hot water heater, it must be protected by a swinging check valve.

(Code 2009, § 1040.04(a); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-84. - Setting the meter.

- (a) A five-eighths-inch meter shall be furnished by the city, and shall be set, removed, or adjusted by employees of the city, or under supervision of the city. Only one meter will be furnished for each service connection and it may be located between the main and the building, or within the building, at the option of the city. An owner requiring a meter larger than five-eighths inch must supply the meter at the owner's expense and the city shall set, remove, or adjust such meter.
- (b) The consumer must arrange the plumbing at his own expense, including check valves, so the meter may be installed at the point selected by the city and so there shall be no fixtures connected between the meter and the main.

(Code 2009, § 1040.04(b); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-85. - Accessibility of meter.

- (a) The consumer shall maintain a passageway to the meter and keep the meter accessible for reading or removal at all times.
- (b) Authorized personnel shall be permitted at all reasonable hours to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these regulations.

(Code 2009, § 1040.04(c); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-86. - Damages to the meter.

- (a) In case of breakage, stoppage, or other irregularity in the meter is observed by the consumer, he is to notify the city water director immediately. All repairs to the meter will be made by the city at its own expense as hereinafter provided.
- (b) If a meter installed on the consumer's premises is stolen, or is damaged by freezing, hot water, fire or otherwise, due to the act of neglect of the consumer, the cost of repairs or replacement will be added to the consumer's bill and considered a part of the water bill for that period. The city manager shall have the sole right to determine the responsibility for damage.

(Code 2009, § 1040.04(d); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-87. - Tampering with the meter.

Except as provided in section 42-86(b), if the city finds a meter seal broken, or other positive evidence of tampering with the meter, the bill for the period will be estimated. Upon repetition of the offense it shall be optional with the city to discontinue the water service and collect the amount estimated due.

(Code 2009, § 1040.04(e); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-88. - Bypass on meter settings.

- (a) On all services, 1¼ inch and larger, there shall be installed a bypass around the meter connected to the service pipe through a tee of the same diameter as the service pipe. The pipe and fitting material up to and including two inches must be copper. Pipe and fittings over two inches may be cast iron or galvanized iron but must have flanged joints. All valve material must be lead free brass. All material used shall meet all the requirements of the Safe Drinking Water Act, MCL 325.1001 et seq.
- (b) Valves two inches and less must be globe valves, and over two inches must be gate valves.
- (c) Meter bypass shall be constructed in such a manner that the meter can be removed without interference with the bypass. Meter bypass in valve pits will not be allowed. All meter bypass installations shall be approved by the city.
- (d) The bypass valve will be closed and sealed by city personnel. In an emergency the customer may break the seal and open the bypass valve. The city shall be notified as soon as possible but no later than 48 hours. If a bypass valve is found open and proper notification has not be made to the city, then such use will be considered unlawful use of city water. In such case, water may be turned off and not turned on again until the charges for the estimated quantity of water used, plus \$10.00 has been paid.

(Code 2009, § 1040.04(f); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-89. - Testing the meter.

If a meter should fail to register, the amount of water used shall be estimated by the city based on the quantity used in the preceding measurement period and in the same period of the preceding year. A customer who believes the meter may not be measuring water consumed accurately may request a test be performed to determine the meter's accuracy. If the meter is found to be incorrect by four percent or more, the last period's bill shall be adjusted and the consumer shall not be liable for the cost of removing, testing or replacing the meter.

(Code 2009, § 1040.04(g); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-90. - Adjustment of meter bills.

If a meter fails to register properly, the consumption for the period will be estimated by using the average of the same month, in the three proceeding years, when the water was measured correctly. If previous usage is inadequate for estimation, estimation shall be based on the county or state estimation of 50 gallons, per person, per day, usage. If a meter reader is unable to gain access to a meter for reading, after two calls, the bill for the

period may be estimated and the proper correction made on the bill, for the next period. If a metered water bill appears excessive, complaints should be made to the city water department immediately and the meter will be re-read and reasonable assistance given in searching for waste of water.

(Code 2009, § 1040.04(h); Ord. No. 2014-3, § 1040.04, 12-30-2014)

Sec. 42-91. - Irrigation meters.

If an owner of a property has an irrigation meter and requests a sewer credit, a beginning of season meter read must be presented, either by picture of the meter read or the presentation of the physical meter, to city hall for the current year. The monthly meter reads must be submitted to city hall by the 25th of each month, to get a sewer credit applied to the current month's bill. If the irrigation meter read is submitted after the 25th of the month, the sewer credit shall be applied to the following month's bill. Sewer credits shall only be issued for the current year. If a resident fails to provide a beginning of season irrigation read, for the current fiscal year, a sewer credit will not be given.

(Ord. No. 2018-3, § 2(1040.04), 10-1-2018; Ord. No. 2019-05(1), § 2, 4-15-2019; Ord. No. 2019-05(2), § 2, 9-3-2019)

Sec. 42-92. - Upgrade of meters.

The city may from time to time find it necessary to require upgrades to the customer metering system, due to either aging equipment or technological advances. Such upgrades are mandatory, and the refusal of a property owner to allow the upgrade may result in discontinuation of service.

(Ord. No. 2020-05, § 2, 10-19-2020)

Secs. 42-93—42-110. - Reserved.

DIVISION 4. - WATER WELLS

Sec. 42-111. - Purpose and intent.

The city council finds that the use of wells for water may influence the movement of contaminated groundwater and constitutes a potential public health risk. This division is intended to protect the public health, safety and welfare and to address, in part, the presence of contaminated groundwater within the city.

(Code 2009, § 1040.08(a); Ord. No. 2014-3, § 1040.08(a), 12-30-2014)

Sec. 42-112. - Prohibition.

Except as provided in section 42-113, no person shall utilize, or allow, permit, or provide for the installation or utilization of a well in the city.

(Code 2009, § 1040.08(c); Ord. No. 2014-3, § 1040.08(b), 12-30-2014)

Sec. 42-113. - Exceptions.

A person may install or utilize, or allow, permit, or provide for the installation or utilization of a well within the city if any of the following exceptions applies and the requirements of the exception are complied with (note that the person requesting this exception is responsible for developing and providing the information necessary for the city and EGLE to consider this request for an exception, which may include, but is not limited to, a groundwater flow study or chemical analytical data):

- (1) *Proof of influence.* If the EGLE determines that the use of a well is not influenced or potentially influenced by contaminated groundwater and further determines the use of that well will remain permanently unaffected by the future migration of contaminated groundwater, and proof of those determinations is delivered to the city, the city manager may execute a waiver allowing the use of the well.
- (2) *Groundwater monitoring.* A well may be used for groundwater monitoring or remediation as part of response activity approved by EGLE.
- (3) *Construction de-watering.* A well may be used for construction dewatering, if it is demonstrated that the use of the dewatering well will not result in unacceptable exposure to groundwater, possible cross-contamination between saturated zones, or hydro geological effects on contaminated groundwater plumes (i.e. the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction.) Exacerbation caused by the use of the well under this exception is the responsibility of the person operating the de-watering well, provided in MCL 324.20101 to 324.20142.
- (4) *Processing activities.* If the EGLE determines that the use of a well for non-contact heating, cooling or processing activities will not cause the future migration of contaminated groundwater, and proof of that determination is delivered to the city, the city manager may execute a waiver allowing the use of the well for the permitted purposes upon such terms and conditions that the EGLE identifies.
- (5) *Public emergencies.* A well may be used in the event of a public emergency e.g., such as response actions to a chemical spill. Notice within a reasonable time frame must be provided to the director of EGLE if this exception is used.

(Code 2009, § 1040.08(d); Ord. No. 2014-3, § 1040.08(c), 12-30-2014)

Sec. 42-114. - Sources of water supplied for human consumption.

Except as provided in [section 42-113](#), water supply for human consumption in the city shall be delivered only from the city water system or by the use of bottled water delivered or purchased in containers under conditions approved by the DWRPD or other appropriate agency. For the purposes of this section, the term "human consumption" means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling or dwelling unit for household purposes, and use in any personal washing or ingestion by irrigation.

(Code 2009, § 1040.08(e); Ord. No. 2014-3, § 1040.08(d), 12-30-2014)

Sec. 42-115. - Wells affecting contaminated groundwater.

No well may be used or installed at any place in the city if the use of the well will have the effect of causing the migration of contaminated groundwater or a contaminated groundwater plume to previously un-impacted groundwater, or adversely impacting any groundwater treatment system, unless the well is part of an EGLE or Federal Environmental Protection Agency approved groundwater monitoring or remediation system.

(Code 2009, § 1040.08(f); Ord. No. 2014-3, § 1040.08(e), 12-30-2014)

Sec. 42-116. - Non-conforming wells.

Any existing well, the use of which is prohibited by section 42-112, shall be plugged or abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, in conformance with the protocol developed consistent with the American Standards for Testing and Materials standard #D5299-92.

(Code 2009, § 1040.08(g); Ord. No. 2014-3, § 1040.08(f), 12-30-2014)

Sec. 42-117. - Penalties and other remedies.

- (a) *Misdemeanor.* Any violation of this division shall be a misdemeanor punishable as provided in section 1-13.
- (b) *Building or improvement permit.* No permit for building, alteration or other required permit for a premises or improvement thereon shall be issued by the city for any premises found to be in violation of this section, or where it is proposed to install or use a well in violation of this division.
- (c) *Injunctive relief.* The city may further enforce this division by action seeking injunctive relief. Any well in violation of this division shall be deemed a nuisance subject to abatement.
- (d) *Modification or repeal.* At least 30 days prior to any amendment or repeal in whole or part of this division, the city shall notify the EGLE of its intent to so act. Notification shall be sent by registered mail to the director of the EGLE.

(Code 2009, § 1040.08(i), (j); Ord. No. 2014-3, § 1040.08(h), (i), 12-30-2014)

Secs. 42-118—42-147. - Reserved.

ARTICLE III. - SEWERS

DIVISION 1. - GENERALLY

Sec. 42-148. - Purpose and policy.

- (a) This article sets forth requirements for discharges into the POTW authority wastewater collection systems, treatment systems, storm sewers and septic systems, and enables the city to protect public health, the environment and the POTW in conformity with all applicable local, state and federal laws relating thereto. The objectives of this article are to:
- (1) Control or prevent the introduction of pollutants into the municipal wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
 - (2) Control or prevent the introduction of pollutants into the municipal wastewater system which do not receive adequate treatment in the POTW and which will pass through the system into receiving waters of the state or otherwise be incompatible with the system;
 - (3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system;
 - (4) Control or prevent discharges or potential discharges (storage of materials) to systems or areas under the jurisdiction of this city that may impair the environment.
- (b) This article provides for the regulation of discharges into the wastewater system or other discharges through the issuance of permits, execution of binding contracts, or enforcement of administrative regulations.
- (c) This article does not provide for the recovery of operations maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by industrial dischargers, in proportion to their use of the POTW, which are the subject of separate enactments.

(Code 2009, § 1042.01)

Sec. 42-149. - Definitions.

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

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in parts per million by weight.

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

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

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

Discharge means the introduction of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether direct or indirect.

EGLE means the state department of environment, Great Lakes and energy or its predecessor or successor agency.

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

Garbage means solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage, processing and sale of produce.

Industrial wastes means the liquid wastes, solids, or semi-solids from industrial processes as distinct from sanitary sewage.

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

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

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

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

ppm means parts per million.

POTW means publicly operated treatment works.

Pretreatment means a process for treating an incompatible industrial waste to the extent that it can be discharged to the public sanitary sewer without endangering the municipal sewage treatment system or the watercourse to which the treatment plant discharges its effluent.

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

Public sewer means a sewer in which all owners of abutting property have equal rights and is controlled by the city or a public agency or authority.

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

Sanitary sewer means a sewer, which carries sewage and to which storm and surfacewater are not intentionally admitted.

Sanitary wastewater means wastewater free from groundwater, surfacewater, stormwater, or industrial or commercial wastes, emanating from the sanitary conveniences, including toilet, bath, laundry, lavatory, and or kitchen sink, of private, commercial, industrial or semi-public sources.

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

Sewage means any combination of water-carried wastes from residences, business and commercial buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Sewage treatment plan means any arrangement of devices and structures for treatment of sewage.

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

Sewer means any pipe, tile, tube or conduit for carrying sewage.

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

Storm sewer or storm drain means a sewer which carries stormwater, surfacewater and drainage but which excludes sewage and polluted industrial wastes.

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

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

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

Waste means any material other than water, which is accidentally or purposely discarded into the wastewater system.

Wastewater means the water-borne wastes or sanitary wastewater as defined herein, emanating from residential, commercial, industrial or semi-public sources, singular or in any combination, together with such groundwater, surfacewater or stormwater as cannot be avoided.

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

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

(Code 2009, § 1042.02)

Sec. 42-150. - Certain discharges, privies and septic tanks prohibited.

- (a) It is unlawful to discharge into any sanitary sewer, POTW or storm sewer, within the city, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the state department of environment, Great Lakes and

energy (EGLE).

- (b) Except as otherwise provided in this article, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Code 2009, § 1042.03(a)—(c); Ord. No. 2019-07(1), § 2, 5-6-2019; Ord. No. 2019-07(2), § 2, 5-20-2019)

Secs. 42-151—42-168. - Reserved.

DIVISION 2. - CONNECTIONS

Sec. 42-169. - Connection required; exceptions.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, right-of-way or public utility easement in which there is now located or may in the future be located a public sanitary or combined sewer of the city is required at his own expense to install suitable toilet facilities therein and to connect such facilities directly to the public sewer in accordance with the provisions of this article within 90 days after date of the official notice to do so has been issued by the director, provided that the public sewer is located within a public easement contiguous to and not further than 200 feet from any such housed buildings, structures, or properties and further, provided that a public sewer is available with 100 feet of the property to be served.

(Code 2009, § 1042.04(d); Ord. No. 2019-07(1), § 2, 5-6-2019; Ord. No. 2019-07(2), § 2, 5-20-2019)

Sec. 42-170. - Private sewage disposal.

- (a) *When permitted.* Where a public sanitary sewer or combined sewer is not available pursuant to this article, the building sewer shall be connected with a private disposal system complying with the regulations and orders of the EGLE, the city and the provisions of the building code and regulations.
- (b) *System maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.
- (c) *Discontinuance of system.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the provisions of this article, and sewage in any septic tank, cesspool seepage pit, or other similar private sewage facility shall be removed and disposed of in a sanitary manner, and the septic tank, cesspool, seepage pit or other private sewage facility shall be filled with sand or gravel.
- (d) *County and state regulations may also apply.* No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the county or state health department with respect to private sewage disposal.

(Code 2009, § 1042.04)

Sec. 42-171. - Meters required; options for installation.

The owners of properties, within the city, that use the sanitary sewer system, but do not have city water, may install a sewer meter at the property owner's expense or have the city install a meter on their private water well at the city's expense.

(Ord. No. 2019-07(1), § 2, 5-6-2019; Ord. No. 2019-07(2), § 2, 5-20-2019)

Sec. 42-172. - Connection permits.

- (a) *Required.* No authorized person shall uncover, make any connections with or open into use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the city treasurer.
- (b) *Fee.* All connections with the sanitary or combined sewers of the city shall be made only on written authorization and permits issued by the city on such forms and on payments of such fees as the city council shall, from time to time, prescribe by resolution.
- (c) *Installation costs.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of the property. The owner shall indemnify the city from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) *Plans and specifications.* All applicants for sewer connection permits shall submit for approval, plans and specifications for all plumbing construction within the building or premises that meet the requirements of the plumbing code of the city. The plans and specifications must be approved by the director before construction can occur and before connection with the city sewer system.
- (e) *Inspection.* The applicant for a building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The building inspector shall then inspect the building and plumbing construction therein and if such construction meets the previous requirements as approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of this article.

(Code 2009, § 1042.05(a)—(e))

Sec. 42-173. - Repairs and maintenance.

The cost of all repairs and replacements of existing building sewers and their connection to public sewer shall be borne by the property owner to the right-of-way line. Such owner shall make application to perform such work to the director. Maintenance of building sewer lines such as cleaning or root removal from the building to the main sewer line shall be borne by the property owner.

(Code 2009, § 1042.05(f))

Sec. 42-174. - Separate sewer for each building required; use of existing sewer.

A separate and independent building sewer shall be provided for each new building or lot split. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by city personnel, to conform to regulations of the city.

(Code 2009, § 1042.05(g), (h))

Sec. 42-175. - Size, slope and alignment.

The size and slope of the building sewer from the property line (or right-of-way line) to the building shall be subject to the approval of the city, but in no event shall the inside diameter be less than four inches for residential or six inches for multiple units. The slope of the building sewer shall be not less than one-eighth-inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(Code 2009, § 1042.05(i))

Sec. 42-176. - Cleanouts.

Maximum distance between cleanouts shall be 100 feet. A minimum of one cleanout must be installed outside of each house, building, or property used for human occupancy that is connected to the public sewer. Cleanouts may be placed at the property line by the city.

(Code 2009, § 1042.05(i))

Sec. 42-177. - Materials and joints, bedding and change of pipe material.

The building sewer shall be Schedule 40 PVC piping (or greater), reinforced or non-reinforced concrete pipe, ABS composite pipe, or vitrified clay pipe. Joints shall be tight and waterproof. The building sewer shall be bedded on a four-inch minimum compacted sand cushion and shall be backfilled to a point at least 12 inches above the pipe with sand. Changes from one type of pipe to another shall be made only with a suitable factory manufactured adapter approved by the director.

(Code 2009, § 1042.05(j))

Sec. 42-178. - Building sewer near building.

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 within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but not less than five feet.

(Code 2009, § 1042.05(k))

Secs. 42-179—42-209. - Reserved.

DIVISION 3. - SYSTEM DESIGN AND CONSTRUCTION SPECIFICATIONS

Sec. 42-210. - General regulations.

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

(Code 2009, § 1042.07(A))

Sec. 42-211. - Design flows.

Sewer systems shall be designed on the basis of an average flow, which shall include not less than 75 gallons per capita per day and the estimated flow from unusual industrial sources. Generally, the sewers shall be designed to carry, when running full, peak flows of not less than 400 percent of average daily flow for lateral sewers and not less than 260 percent of average daily flow for trunk sewers. When deviations from the foregoing per capita rates are demonstrated, a description of the procedure used for sewer design shall be included.

(Code 2009, § 1042.07(B))

Sec. 42-212. - Materials and bulkhead.

- (a) Any generally accepted material for sewer will be given consideration, but the material selected should be adapted to local conditions, such as character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion and similar problems.
- (b) Sewer joints and materials shall be designed to eliminate infiltration and to prevent the entrance of roots. All joints shall be of a premium nature.
- (c) Based on subsections (a) and (b) of this section, or on other pertinent data, the superintendent may reject any type of sewer pipe or joint in any project whose water is proposed to be processed by the sewage treatment facilities under the control of the city.
- (d) A bulkhead shall be installed at each outlet to an existing system and shall not be removed until the new sewer system has been accepted by the superintendent.

(Code 2009, § 1042.07(C)(1)—(4))

Sec. 42-213. - General design.

- (a) Sewers shall be a minimum of eight inches in diameter.
- (b) Sewers shall be designed for mean velocities, when flowing full, of not less than two feet per second, based on Kutter's formula using an "n" value of 0.013. Use of other "n" values may be permitted if deemed justifiable on the basis of research or field data presented.

- (c) Sewers shall be designed with a uniform slope and direction between manholes.
- (d) When a smaller sewer joins a larger one, the invert of the larger sewer shall be lowered at least enough to maintain the 0.8 depth point of both sewers at the same elevation.
- (e) Where velocities greater than 12 feet per second are attained, special provisions may be required to protect against scouring and thrust displacement.
- (f) All sewer systems shall be designed so as to limit infiltration to less than 200 gallons per inch of pipe diameter per mile per day or as determined by the superintendent.
- (g) Sewers shall be sufficiently deep so as to prevent freezing.
- (h) Sewers shall be properly vented.
- (i) Sewer pipe strength requirements are as tabulated below.

Sewer Strength Classification

Saturated Clay				
Sewer depth (ft.)	3-8	8-12	12-16	Over 16
Vitrified clay pipe	c 700	*c 700	**	—
ABS composite pipe	Std.	Std.	Std.	Std.
PVC sewer pipe	Std.*	Std.	Std.	Std.*
Non-reinforced concrete	c 14-3	*c 14-3	**	—
Reinforced concrete	c 76-IV	c76-V	*c76-V	**
Dry sand				
Sewer depth (ft)	3-8	8-12	12-16	Over 16
Vitrified clay pipe	c 700	c 700	*c- 00	*c-700
ABS composite pipe	Std.	Std.	Std.	Std.
PVC sewer pipe	Std.*	Std.*	Std.*	Std.*
Non-reinforced concrete	c <u>14-2</u>	c <u>14-2</u> *	c 14-3	c 14-3*-
Reinforced concrete	c 76-IV	c76-IV	*c76-V	**

Sewer depths of less than three feet require special treatment as directed by the engineer.

* Class B bedding and backfill required.

** Specified for use only under direct supervision of the engineer.

(Code 2009, § 1042.07(C)(5))

Sec. 42-214. - Manholes.

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

(Code 2009, § 1042.07(C)(6))

Sec. 42-215. - Pumping systems.

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

(Code 2009, § 1042.07(C)(7))

Sec. 42-216. - Force mains.

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

main with the gravity sewer.

(Code 2009, § 1042.07(C)(8))

Sec. 42-217. - Testing.

- (a) *Sewer systems.* Leakage tests shall be specified. This may include appropriate water or low pressure air testing. The leakage outward or inward (exfiltration or infiltration) shall not exceed 200 gallons per inch of pipe diameter per mile per day for any section of the system, or as required by the superintendent. The use of a television camera for inspection may be required. Tests or television inspection shall be witnessed by the superintendent or his authorized representative. Satisfactory results shall be obtained prior to permitting any building sewer connections.
- (b) *Pumping systems.* Tests shall be conducted to verify performance curves of each pumping device installed in the system.

(Code 2009, § 1042.07(C)(9))

Sec. 42-218. - Plans.

- (a) Five sets of plans shall be submitted to the superintendent for all proposed public sewage collection systems. Plans that are completed to his satisfaction shall be transmitted by the city to the state department of public health for a construction permit.
- (b) The following data shall be incorporated in the plans:
 - (1) A location map indicating the one-fourth section in which the project is located.
 - (2) When more than one sheet is required for the plan, a small scale overall plan shall be shown.
 - (3) Each set of plans shall bear the embossed seal of the engineer who is responsible for the plans.
 - (4) Two benchmarks shall be shown on each plan sheet.
 - (5) Existing utilities shall be shown on plan and profile.
 - (6) All existing sewer inverts must be field measured and shall be so designated on the plan.
 - (7) A profile including inverts, top of casting grades, gradient, length and drop connections shall be shown for each run of sewer or force main.
 - (8) Proposed and existing elevation of curb or road, or ground above the sewer shall be shown on the profile. Where the difference in elevation between the road grade and sewer invert is less than seven feet, basement elevations should be indicated on the plan.
 - (9) The location of stoppers and bulkheads shall be indicated on the plan.
 - (10) Manholes shall be numbered on plan and profile.
 - (11) An allowable type of pipe, joint and stoppers for public and building sewers shall be indicated on the plans.
 - (12) An easement shall be designated on the plan for each run of public sewer not in public right-of-way. The minimum easement shall be 12 feet wide, or as required by the superintendent.

- (13) Details of pipe bedding, building sewers, drop connections, bulkheads, manholes, manhole covers, and appurtenances shall be submitted with the plans.
 - (14) Extension of the city sewer system outside the city limits shall require the approval of the applicable Township representatives or designated official. Such approval shall be submitted prior to final city approval.
- (c) The following notes shall appear on the plans:
- (1) All construction and materials shall conform to the city's current standards, specifications and details.
 - (2) No connection receiving stormwater shall be made to sanitary sewers.
 - (3) Infiltration for any section of sewers between manholes shall not exceed 200 gals./inch dia./mile/24 hours.
 - (4) All elevations shall be based on Ewart USGS Datum.

(Code 2009, § 1042.07(C)(10))

Sec. 42-219. - Existing systems.

- (a) *When alterations prohibited; exception.* No work shall be performed on existing sewer systems, which would change the capacity of the system or would result in non-conformity with these regulations, except by written permission of the superintendent.
- (b) *Excavations near manholes or similar structures.* When it is necessary to excavate adjacent to manholes or similar structures, the excavation shall extend around the entire perimeter, except by permission of the superintendent.
- (c) *Approval to existing systems as city systems.* Sewer systems not having been previously approved as city sewers may be accepted as city sewers, provided they meet all general requirements of this regulation. The superintendent shall cause such tests on the sewer as he deems necessary. Television inspection of the system may be required. All costs of performing such tests shall be borne by the owner of the facility.

(Code 2009, § 1042.07(C)(11))

Secs. 42-220—42-246. - Reserved.

DIVISION 4. - USE REGULATIONS

Sec. 42-247. - Discharges restricted; authority of city engineer.

No person shall discharge or cause to be discharged any stormwater, surfacewater, groundwater, roof run off, subsurface drainage cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the city engineer or the EGLE. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city engineer, into a storm sewer, combined sewer or natural outlet.

(Code 2009, § 1042.06(a))

Sec. 42-248. - Prohibited discharges.

- (a) Except as herein provided, no person shall discharge any industrial type wastes into the city sewer system that are deleterious to the public health and safety of the people of the city. Any waste will be considered deleterious that may cause damages or effects as stated under general conditions or does not confirm to the limitations stated under the specific conditions.
- (b) No person shall contribute nor cause to be contributed, directly or indirectly, into the sewage works, any substances that may cause the following:
 - (1) Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength of durability of sewer structures.
 - (2) Mechanical action that will destroy or damage the sewer structures.
 - (3) Restrictions of the hydraulic capacity of sewer structures.
 - (4) Restriction of the normal inspection or maintenance of the sewer structures.
 - (5) Placing of unusual demands on the sewage treatment equipment or process.
 - (6) Limitation of the effectiveness of the sewage treatment process.
 - (7) Danger to public health and safety.
 - (8) Obnoxious conditions inimical to the public interest.
- (c) Acidity or alkalinity must be neutralized to a pH of a maximum temporary variation of 5.05-10.5. In any event a minimum pH of not less than 5.5 is necessary in order to comply with 40 CFR 403.5.
- (d) In addition, the following specific conditions shall apply:
 - (1) Must not contain more than ten ppm of the following gases: hydrogen sulphide, sulphur dioxide, oxides of nitrogen or any of the halogens.
 - (2) Must not contain any explosive substance.
 - (3) Must not contain any flammable substance with flash point lower than 187 degrees Fahrenheit, which might be injurious to the sanitary sewer system.
 - (4) Must have a temperature within the range of 32 degrees and 104 degrees Fahrenheit.
 - (5) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 degrees and 104 degrees Fahrenheit.
 - (6) Must not contain insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm.
 - (7) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 ppm or exceeding a daily average of 2,000 ppm.
 - (8) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
 - (9) Must not contain insoluble substance having a specific gravity greater than 2.65.

- (10) Must not contain insoluble substances that will fail to pass a No. 8 standard sieve or having any dimension than one-half inch.
 - (11) Must not contain gasses or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
 - (12) Must not contain chlorine demand greater than 15 ppm.
 - (13) Must not contain more than 100 ppm of any antiseptic substance.
 - (14) Must not contain phenols in excess of 0.005 ppm.
 - (15) Must not contain in excess of 50 ppm or exceed a daily average of 25 ppm of any fats, oil or grease or any other oily substance.
 - (16) Must not contain phosphorus in excess of eight ppm.
 - (17) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.
- (e) Discharges in excess of specific quantities or concentrations or pollutants or pollutant properties set forth in any national standard for industrial pretreatment as set forth by the federal environmental protection agency or its successors, are prohibited. Upon promulgation of any national categorical pretreatment standard, alternative discharge limits or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this division, shall be considered part of this division. Compliance by an existing source with categorical pretreatment standards shall be within the time frame prescribed by the standard in the appropriate subpart of 40 CFR chapter I, subchapter N.
- (f) State requirements or limitations on discharges shall apply whenever they are more stringent than national categorical pretreatment standards or limitations provided in this division. State and national requirements are not subject to any appeal procedures.
- (g) No discharger shall contribute any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, to exceed the limitations set forth in categorical pretreatment standards or to cause a violation of the state of state water quality standards.
- (h) All of the preceding standards and regulations are to apply at the point where industrial or commercial type wastes are discharged into a public sewer and all chemical or mechanical corrective treatment must be accomplished to practical completion before this point is reached.
- (i) No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this division.

(Code 2009, § 1042.06(b))

Sec. 42-249. - Interceptors.

- (a) *Generally.* Grease, oil and sand interceptors shall be provided for restaurants, car washes and other users that in the opinion of the director or EGLE are necessary for the proper handling of liquid wastes

containing grease in excessive amounts or any inflammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city engineer or the EGLE and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

- (b) *Interceptor maintenance.* Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Code 2009, § 1042.06(c))

Sec. 42-250. - Excess sewage flow to be reviewed.

- (a) The discharge into the public sewers of any waters or wastes having a five-day BOD greater than 300 ppm by weight, or containing more than 350 ppm, by weight of suspended solids, or containing any quantity or substance having the characteristic of a prohibited discharge described in this division or having a daily sewage flow greater than two percent of the average daily sewage flow of the city, shall be subject to the review and approval of the city council and the EGLE. The owner shall provide, at his expense, such preliminary treatment as may be necessary to:
- (1) Reduce the BOD to 300 ppm and the suspended solids to 350 ppm by weight;
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided in this article;
 - (3) Control the quantities and rates or discharge of such waters or wastes.
- (b) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities, shall be submitted for approval of the city council or the EGLE and no construction of such facilities shall be commenced until the approvals are obtained in writing.
- (c) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation, by the owner, at his expense.

(Code 2009, § 1042.06(d))

Sec. 42-251. - Control manholes.

When required by the city council or EGLE, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located and shall be maintained by him so as to be safe and accessible at all times.

(Code 2009, § 1042.06(e))

Sec. 42-252. - Measurements and testing.

All measurements, tests, and analyses of the characteristics of water and wastes shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, then control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.

(Code 2009, § 1042.06(f))

Sec. 42-253. - Agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment, unless prohibited by state or federal regulations.

(Code 2009, § 1042.06(g))

Sec. 42-254. - Protection from damage or obstruction.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage system or treatment plant nor shall any unauthorized person obstruct or cause any obstruction in any part of the municipal sewage system.

(Code 2009, § 1042.06(h))

Sec. 42-255. - Orders of determination.

- (a) *Generally.* The city may issue written orders of determination upon the request of a sewer user. Any order of determination issued in accordance with this division shall be considered a part of this division for the specific user involved.
- (b) *Violation of order of determination.* When a particular user is found to be violating the terms of the order of determination, the city may discontinue water or sewer service to such user until such time as the user shall conform to the provisions of the order of determination.
- (c) *Annual review.* Any order of determination issued by the eased flows in the entire sewer system or increased contribution of toxic, poisonous or objectionable substances by other users of the sewer system.
- (d) *Waste characteristic statement.* Any person or industry whose operations discharge wastes containing toxic, poisonous or objectionable substances shall file with the city a written statement setting forth the nature of the operation contemplated or currently being carried on, the amount of water required to be used and its source, the proposed point of discharge of the waste into the sewer, the maximum amount

to be discharged per second and a fair statement setting forth the expected bacterial, physical, chemical or other known characteristics of the wastes. Upon receipt of the statement, the city shall make a written order of determination setting forth the maximum limits for the substance.

(Code 2009, § 1042.06(i))

Sec. 42-256. - When pretreatment required.

Where the wastes from a user exceed the limits set forth in the order of determination, the user may be required, as a condition precedent to this right to use the city sewer, to construct necessary pretreatment facilities to keep waste discharged into the city sewers within the limits set forth in this division.

(Code 2009, § 1042.06(j))

Sec. 42-257. - Supplementary specifications.

With the approval of the city, a township may adopt such supplementary specifications as it deems necessary and proper for the construction, maintenance and operation of water mains and sewers which will connect to or become a part of the city system, provided that the supplementary specifications shall equal or exceed the city specification and shall in no way detract from or conflict with the intent of the city specifications and the township system is maintained and operated by personnel employed and paid by the township. The intent of this permissive regulation is to provide for local standards for hydrant configuration, water service fittings, manhole castings and similar appurtenances.

(Code 2009, § 1042.06(k))

Secs. 42-258—42-277. - Reserved.

DIVISION 5. - DISCHARGE PERMITS AND WAIVERS

Sec. 42-278. - Required.

- (a) *Generally.* It is unlawful to discharge sewage, industrial wastes or other wastes without a permit or waiver by the city to any storm sewer sanitary sewer, septic system, dry well or other system within the jurisdiction of the city or to the POTW.
- (b) *Industrial users; notice of pretreatment requirements.* All industrial dischargers proposing to connect to or to discharge sewage, industrial waste and other wastes to the POTW shall obtain a wastewater discharge permit or waiver before connecting to or discharging to the POTW. The city shall notify industrial users that pretreatment standards may be applicable to the enforcement of this division. Failure of the city to so notify a user shall not, however, excuse violation of this division by sewer users.
- (c) *New, increased or modified discharges.* All existing industrial dischargers planning a new, increased, or modified discharge shall obtain a new permit or waiver prior to initiation of operations of the new or modified facilities. An application for renewal of a permit or waiver, which will expire, shall be submitted

90 days prior to the expiration date and shall note any changes in the discharge since the issuance of the last permit or waiver.

(Code 2009, § 1042.08(A), (B))

Sec. 42-279. - Application for permit or waiver of permit requirement.

- (a) Industrial dischargers shall complete and file with the superintendent a permit application or waiver application in the sequence prescribed by the city and accompanied by the appropriate fee. Proposed new dischargers shall apply at least 90 days prior to connecting to the POTW. No discharge permit or waiver shall be issued unless and until the following information has been provided or the following conditions have been met:
- (1) Disclose name, address, and location of the discharger;
 - (2) Disclose industrial classification number pursuant to the North American Industry Classification System (NAICS), 2017 edition;
 - (3) Provide a plan map of the building, works, or complex with each outfall to the sanitary sewer or storm sewer described, and the waste stream identified. Air exhaust vents and rupture disks will also be noted when serving areas where potential problems exist. Contaminants that can accumulate on roofs from exhaust vents and be flushed to the groundwater or sewers during a rain will be noted.
 - (4) Upon request provide detailed plans of treatment facilities; chemical or fuel storage areas, chemical use areas; operational and support facilities that may affect wastewater control.
 - (5) Provide plans of plumbing and plans of inspection or sampling manholes.
 - (6) Provide plans for secondary containment at storage areas or large volume use areas to prevent sudden losses of materials from the plant to storm sewers or sanitary sewers.
 - (7) Provide a report such as the state-controlled materials report on raw materials entering the process or support system, intermediate materials, final products and waste byproducts as those factors may affect waste control.
 - (8) Provide the following information when requested by the city: each source of water; the amount of water from each source; the amount of water discharged at each location; a schedule of average daily flow, peak flow rates, time and duration of flow variations and seasonal or monthly variations at each location; a statement on the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes; a schedule on the variation of characteristics of the wastes, including average daily concentrations, peak concentrations, time and duration of concentrations, seasonal or monthly variations, corresponding flow rates or mass loadings (pounds/hour or pounds/day).
 - (9) Provide a statement on whether compliance is being achieved with this article on a continuing basis or whether additional equipment, operational changes, or maintenance activities are necessary for compliance with this article.
 - (10) Provide a program for prompt control of potential spills, including equipment, materials, control procedures, clean up procedures, personal protection required and requirements for notification of

plant and government officials when requested. Evaluate effects of potential losses in the sewer systems or other discharge point.

- (11) Provide a schedule to sample, test, and file reports with the city and appropriate state agencies on appropriate characteristics of wastes at locations, according to methods approved by the city.
 - (12) Place waste treatment facilities, process facilities, waste streams, storage facilities, transfer facilities or other potential waste problems under the specific supervision and control of persons who have been designated by the owner as a responsible person authorized to sign on behalf of the discharger.
 - (13) Provide a manual of instructions for operation of waste control facilities, the proper loading and unloading of chemicals, for laboratory controls, for other information or requirements related to a pollution incident prevention plan and for the training of personnel in the above areas of concern.
 - (14) Maintain records reporting the final disposal of specific liquids, solid wastes, oils, radioactive materials, solvents, or other wastes when requested.
 - (15) If any industrial process is to be significantly altered as to include or negate a process wastewater or potential wastewater, give written notification to the city and it will be subject to approval.
- (b) All permit or contract applications for new or modified permits or contracts shall be signed by a principal executive officer of the discharger or his designated representative. All renewal applications for existing permits or contracts shall be signed by a principal executive officer of the discharger or his designated representative.

(Code 2009, § 1042.08(C))

Sec. 42-280. - Construction schedule.

When additional pretreatment or operation and maintenance activities will be required to comply with this article, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment or implementation of additional operational and maintenance activities.

- (1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this article, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, and all other acts necessary to achieve compliance with this article.
- (2) No later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the city, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and steps being taken by the discharger to return the construction to the approved schedule.

(Code 2009, § 1042.08(D))

Sec. 42-281. - Plan review.

The city shall be provided with all plans, specifications shop drawings, and operations and maintenance manuals for review and approval prior to initiation of construction for all applicable secondary containment facilities, pretreatment facilities, or operational facilities required to comply with this article. Direct costs for review may be billed to the discharger regardless of whether construction is initiated or not.

(Code 2009, § 1042.08(E))

Sec. 42-282. - Permit or waiver modifications.

- (a) The city reserves the right to amend any wastewater discharge permit or waiver issued hereunder in order to ensure compliance by the city with applicable laws and regulations. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit for each discharger subject to such standards may be revised to require compliance with such standards within the time frame prescribed by such standards.
- (b) If the discharger has not previously submitted an application for a wastewater discharge permit as required by section 42-279, the discharger shall apply for a wastewater discharge permit from the city within 180 days after the promulgation of the applicable national categorical pretreatment standard by the Federal Environmental Protection Agency.
- (c) In addition, the discharger with an existing wastewater discharge permit shall re-submit to the city within 180 days after the promulgation of an applicable national categorical pretreatment standard, the information required by section 42-279.
- (d) The discharger shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Code 2009, § 1042.08(F))

Sec. 42-283. - Contents of permit.

Wastewater discharge permits may specify no less than the following:

- (1) Fees and charges assessed on initial issuance.
- (2) Limits on the average and minimum wastewater constituents and characteristics regulated thereby.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for the installation and maintenance of inspection and sampling facilities.
- (5) Special conditions as the city may reasonably impose under the particular circumstances of a given discharge, including sampling locations, frequency of sampling, number types, and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this article.

(8) A statement of duration.

(9) A statement of non-transferability without, at a minimum, prior notification to city.

(Code 2009, § 1042.08(G))

Sec. 42-284. - Permit duration.

Generally, wastewater discharge permits will be issued for a five-year duration, subject to amendment or revocation as provided in this division. In certain cases, a permit may be issued for a shorter or longer period or may be stated to expire on a specific date.

(Code 2009, § 1042.08(H))

Sec. 42-285. - Limitations on permit transfer.

Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger or transferable to any other location, without the prior written approval of the city.

(Code 2009, § 1042.08(I))

Sec. 42-286. - Special reporting requirements, new discharge, or new pretreatment standards.

- (a) Within 90 days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this division or 90 days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this article shall submit to the city a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons.
- (b) The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements.
- (c) The statement shall be signed by an authorized representative of the discharger and certified to by a qualified engineer licensed to practice in the state.

(Code 2009, § 1042.08(J))

Sec. 42-287. - Periodic compliance reports.

- (a) Any discharger subject to a pretreatment standard set forth in this division, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the city shall submit to the city during the months of June and December, unless required more frequently by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by pretreatment standards.
- (b) In addition, the report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; provided,

however, that if cost or feasibility considerations justify such reporting, the city may accept reports of average and maximum flows estimated by verifiable techniques. The city for good cause when considering such factors as high/low flow rates, holidays, budget cycles or other extenuating factors may authorize submission of the report.

- (c) The city shall require the frequency of monitoring necessary to assess and ensure compliance by the industrial user with applicable pretreatment standards and requirements. If an industrial user subject to the reporting requirements in this division monitors any pollutant more frequently than required by the city, the results of this monitoring shall be included in the report.
- (d) The superintendent, in his discretion, may alter the months during which the above reports are to be submitted. The report shall include the certification statement or a statement of compliance as required in section 42-286. This report shall be signed by an authorized representative of the permit holder. In the case of non-categorical significant industrial users, where the POTW itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.
- (e) The superintendent may also impose limitations on users using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by this section shall also indicate the mass of pollutants regulated by pretreatment standards in effluent of the user.

(Code 2009, § 1042.08(K))

Sec. 42-288. - Monitoring facilities.

- (a) Each discharger shall provide and operate at the dischargers own expense, a monitoring facility or location for inspection, sampling and flow measurements of each sewer discharge to the city.
- (b) Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the city may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis.
- (c) The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.
- (d) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.
- (e) Construction shall be completed within 120 days of receipt of a permit or contract by an existing discharger and prior to initiation of operations by a new discharger.

(Code 2009, § 1042.08(L))

Sec. 42-289. - Inspection and sampling.

The city may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this article. The discharger shall allow the city, or its representatives, upon presentation of credentials of identifications, to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. The city, or its representatives, shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

(Code 2009, § 1042.08(M))

Sec. 42-290. - Confidential information.

- (a) Information and data furnished to the city with respect to the nature and frequency of discharge may be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information, (records) for the private use, of the discharger.
- (b) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit, or the pretreatment programs; provided, however, that such portions of a report may be available for use by the state or state agency in judicial review or enforcement proceedings involving the discharger furnishing the report.
- (c) Wastewater constituents and characteristics will not be recognized as confidential information.

(Code 2009, § 1042.08(N))

Secs. 42-291—42-313. - Reserved.

DIVISION 6. - ENFORCEMENT

Sec. 42-314. - Emergency suspension of service and discharge permits or waivers.

- (a) The city council may, for good cause shown, suspend the wastewater treatment service or the wastewater discharge permit or waiver of a discharger when it appears to the city that an actual or threatened discharge presents or threatens:
 - (1) A violation of the NPDES permit;
 - (2) An imminent or substantial danger to the health or welfare of persons;
 - (3) An adverse impact to the environment; interference with the operation of the POTW;
 - (4) Violation of any pretreatment limits imposed by this article; or

- (5) Violation of any wastewater discharge permit, contract, or waiver issued pursuant to this article.
- (b) Any discharger notified of the suspension of the city wastewater treatment service, the water supply service, or the discharger's wastewater discharge permit, contract, or waiver shall within a period of time, as determined by the city, cease all discharges.
- (c) In the event of failure of the discharger, to comply voluntarily with the suspension order within a specific time, the city may notify the department of environmental quality and commence judicial proceedings pending proof from the discharger of the elimination of the non-complying discharge or the conditions creating the threat as set forth above.

(Code 2009, § 1042.09(A))

Sec. 42-315. - Revocation of permit or waiver.

The city council may revoke the permit or waiver of any discharger:

- (1) That fails to factually report the wastewater constituents and characteristics of its discharger;
- (2) That fails to report significant changes in wastewater constituents or characteristics;
- (3) That refuses reasonable access to the discharger's premises by representatives of the city or its representatives for the purpose of inspection or monitoring; or
- (4) That violates the condition of its permit, contract, waiver, or this article, or any final judicial order entered with respect thereto.

(Code 2009, § 1042.09(B))

Sec. 42-316. - Notification of violation; administrative adjustment.

Whenever the director finds that any discharger has engaged in conduct which justifies revocation of a wastewater discharge permit or waiver, the director may serve or cause to be served upon such discharger a written notice either or personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within ten continuous days of the date of receipt of the notice, the discharger shall respond personally or in writing to the director advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

(Code 2009, § 1042.09(C))

Sec. 42-317. - Show cause hearing.

- (a) Where the violation of this article is not corrected by timely compliance by means of administrative adjustment, the director may order any discharger which causes or allows conduct prohibited by this article to show cause before the director, or the director's duly authorized representative, why the proposed revocation action should not be taken.
- (b) A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the director or its designee

regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the director or its designee why the proposed enforcement action should not be taken.

- (c) The notice of the hearing shall be served no less than 20 days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger.
- (d) The proceedings at the hearing shall be considered by the director, which may then enter appropriate orders with respect to the alleged improper activities of the discharger.
- (e) Appeal of such orders may be taken by the discharger in accordance with applicable local or state law.

(Code 2009, § 1042.09(D))

Sec. 42-318. - Judicial proceedings.

Following the entry of any order by the city with respect to the conduct of a discharger contrary to the provision of this article, the attorney for the city may, following the authorization of such action by the city, commence an action for appropriate legal or equitable relief.

(Code 2009, § 1042.09(E))

Sec. 42-319. - Operating upset reports.

- (a) Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this article or a wastewater discharge permit issued pursuant thereto shall inform the supervisor immediately upon first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof, shall be filed by the discharger with the supervisor within five days. The report shall specify:
 - (1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status.
 - (2) Duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - (3) All steps taken or to be taken to reduce, eliminate and prevent the occurrence of an upset or other conditions of noncompliance.
- (b) A documented and verified bonafide upset may be an affirmative defense to an enforcement action brought by the city against a discharger for noncompliance with this article or any wastewater discharge permit, contract, or waiver pursuant hereto, which arises as a result of violations alleged to have occurred during the period of the upset and where actual harm or interference to the sewage works occurs or which jeopardizes the POTW's discharge permit.

(Code 2009, § 1042.09(F))

Sec. 42-320. - Penalties.

- (a) *Enforcement official.* Notwithstanding any other provision of this article to the contrary, the

superintendent (and any representative designated by the superintendent) is designated as the authorized city official to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this article.

- (b) *Violation; municipal civil infractions.* Except as otherwise provided in this division, a person who violates any provision of this article (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this article) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.
- (c) *Repeat offenses; increased fines.* Increased fines may be imposed for repeat offenses. The increased fine for a first repeat offense shall be not less than \$2,500.00 plus costs. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs.
- (d) *Amount of fine for civil infraction.* Subject to the minimum fine amounts specified in this section, the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this article shall be based on the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require.
- (e) *Mitigating factors.* A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.
- (f) *Notices; schedule of fines.* Notwithstanding any provision of this article to the contrary, the amount of a municipal civil infraction fine due in response to the issuance of a municipal civil infraction notice for a violation shall be according to the following schedule:

Schedule of Fines

First offense	\$1,000.00
First repeat offense	\$2,500.00
Second repeat offense (or any subsequent repeat offenses)	\$5,000.00

A copy of this schedule shall be available from the office of the city clerk.

- (g) *Recovery of costs incurred by the city.* Any discharger violating any of the provisions of this article, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the city stormwater or wastewater disposal system may be liable to the city for any expense, loss, or damage caused by such violation or discharge. The director may bill the discharger for such costs incurred by the

city for any supervision, investigation, sampling, administration, cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this article, enforceable under the provisions of section 42-361.

- (h) *Falsifying information.* Any person who knowingly makes any false statement representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article (or wastewater discharge permit), or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction be punished by the imposition of a criminal penalty of not more than \$500.00 or by imprisonment for not more than six months, or by both.

(Code 2009, § 1042.10)

Sec. 42-321. - Records retention.

- (a) All dischargers subject to this article shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge.
- (b) All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Code 2009, § 1042.11)

Sec. 42-322. - Removal credits.

Where applicable, the authority may elect to initiate a program of removal credits as part of this article to reflect the POTW's ability to remove pollutants in accordance with 40 CFR 403.7.

(Code 2009, § 1042.12)

Sec. 42-323. - Net and gross calculations.

The authority may elect to adjust categorical pretreatment standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR 403.15.

(Code 2009, § 1042.13)

Secs. 42-324—42-349. - Reserved.

ARTICLE IV. - USER FEES

Sec. 42-350. - Purpose and intent; current fee schedule on file with clerk.

It is the purpose of this article to provide for the payment of water and sewer system user service fees, to compensate the city water and sewer systems for the cost of administration, operation and maintenance of the sewer and water systems. Fees authorized under this article, as amended from time to time by resolution of the city council, are available from the office of the city clerk.

(Ord. No. 2015-1, § 1(1044.01), 1-19-2015)

Sec. 42-351. - Authority to impose; basis for determining amounts.

- (a) Water and sewage disposal rates shall be established by the city council. Generally, such rates shall be sufficient to provide for the payment of all expenses for the administration, operation and maintenance of the water system as may be necessary to preserve the same in good repair and working order; to provide for the payment of the interest upon and the principal of all bonds or loans payable therefrom, as and when the same shall become due and payable, and for the creation of a reserve as required and necessary to build up a fund for replacement of the water system or any portion thereof.
- (b) The city shall adopt charges and fees administering the water and sewer systems by resolution. No free service shall be furnished to any person, firm or corporation, public or private, or to a public agency or instrumentality. Charges fees authorized by this article may include:
 - (1) Fees for monitoring, inspections, and surveillance procedures (which may be changed pursuant to a specification in a permit or contract for administrative enforcement or optionally be included as an element of the sewer charge system).
 - (2) Fees for permit applications (permits only).
 - (3) Fees for filing appeals.
 - (4) Fees for reviewing accidental discharge procedures and construction.
 - (5) Fees for review of plans for additions or connections to municipal systems.
 - (6) Fees for review of pretreatment plans, specifications, and construction.
 - (7) Fees for special studies or continuous studies to evaluate pretreatment systems.

(Ord. No. 2015-1, § 1(1044.04), (1044.05), (1044.06(a)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-352. - Sanitary sewage work rate structure.

- (a) *Use of property tax revenues.* Property tax revenues may be used for supporting sewage works costs only for the construction of new collector sewers and where specifically obligated by the citizens of the city.
- (b) *Determining sewage flow.* To determine the sanitary sewage flow from any establishment, the superintendent may use one of the following methods:
 - (1) The amount of water supplied to the premises by the city or a private water supply as shown upon the water meter if the premises are metered;

- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from these sources as estimated by the superintendent from the water, gas or electric supply, or from averages of similar users;
 - (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the superintendent from the water, gas or electric supply; or
 - (4) The number of gallons of sewage discharged into the sewer system as determined by the measurements and samples taken at a monitoring station installed by the owner of the property served by the sewer system at his own expense.
- (c) *Sewage originating outside city limits.* The transportation and treatment costs for sewage originating outside of the city will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual costs of the service.
- (d) *Cost of discharge surveillance.* Where surveillance of sewage discharges is required to determine the quantity and strength of sewage flows to ensure compliance with this regulation, the user shall be billed for the actual cost of this surveillance incurred by the city.

(Ord. No. 2015-1, § 1(1044.03), 1-19-2015)

Sec. 42-353. - Ready to serve charge.

- (a) A ready to serve charge shall be charged against every premises connected to the water supply system or the sanitary sewer system whether the utility is used or not. The charge is in addition to the systems commodity charge, which is based on the amount of water consumed. In the case of multi-unit residences, each unit shall be charged a monthly ready to serve charge equivalent to a typical resident.
- (b) The ready to serve monthly charge is based on the size of each meter on the customer's premises and designed to recover costs that do not vary with consumption. Costs include those of meter reading and billing customers, a portion of the systems debt service costs, and maintenance and replacement of meters and service lines in the collection/distribution system.
- (c) The ready to serve charge also represents an "ability to serve" cost, meaning the cost incurred by the city in ensuring that water will be supplied through public water lines large enough to meet the demands of each customer and the needs of a city-wide fire protection system and that the sanitary sewer collection, treatment and disposal system is of adequate size for the city-wide demand.

(Ord. No. 2015-1, § 1(1044.06(c)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-354. - Additional charge for tampering with water meters.

For illegally disconnecting, connecting or tampering with a water meter, the property owner shall be charged two times the cost of the last monthly billing. No service shall be provided until such bill is paid in full. If not paid, such cost shall be added to the property taxes and collected as delinquent.

(Ord. No. 2015-1, § 1(1044.06(b)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-355. - Fees for turning water service on and off; advance payment required.

A fee will be charged for shutting off and turning on water. No water will be shut off or turned on at owner's request other than in the case of an emergency, unless the request is handed to the city treasurer in writing, accompanied by the applicable fee. The amount of the fee for shutting off and turning on water will be established by resolution of the city council and is subject to revision and change from time to time.

(Ord. No. 2015-1, § 1(1044.06(d)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-356. - Emergency final reading fee.

At least 72 hours' notice shall be given to the city for a final notice reading on a property. If such time limit cannot be given, a fee, as established by council, shall be made to perform the work on an emergency basis.

(Ord. No. 2015-1, § 1(1044.06(e)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-357. - Unmetered water flat rate.

The city shall have the right to install meters as rapidly as possible for all existing services now being furnished on a flat rate. The flat rate, per month, shall, from time to time, be established by resolution of the city council. Meter rates shall become operative upon the installation of the meter.

Sec. 42-358. - Contracts for service.

- (a) No user shall receive service from the water supply system or the sanitary sewer system without first completing a contract application and providing evidence of ownership of the property to be served or, if the user rents or leases the property being served, until providing sufficient deposit with the city to be retained by the city until the renter leaves the property being served.
- (b) No utility service will be activated without a signed contract, and no billings shall be made to "occupant" or any person other than the property being served or a tenant who has complied with the requirements of this section, or such other persons as the city manager approves.

(Ord. No. 2015-1, § 1(1044.06(f)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-359. - Authority for tenant accounts; procedure.

- (a) For premises equipped with a separate water shut-off, in all cases where a tenant represents to the city, by filing an affidavit evidencing the legal execution of a lease containing a provision that the lessor shall not be liable for the payment of water or sewage system bills, then the tenant shall pay to the city a deposit as set by the resolution of the city council from time to time as security for payment of future rates and charges.
- (b) If the tenant fails to pay rates and charges, the delinquent rates and charges shall not become a lien against the premises. The city shall, however, cease to provide water service to the tenant's premises until the tenant pays the delinquent charges in full.

(Ord. No. 2015-1, § 1(1044.06(i)), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-360. - Meter reading; billing; collection.

- (a) *Duty of city officials generally.* The city manager shall have charge of the reading of all meters and shall have all meters read periodically, but at least quarterly. Bills for water service shall be due and payable when rendered. The treasurer shall be responsible for collecting all charges and crediting the proper account.
- (b) *Billing and due dates.* Water bills shall be paid monthly to the city and invoices shall be dated the first of each month. The due date for all bills is the end of the month following the issuance of the bill. The date due is 30 days after the date of the invoice.
- (c) *Late payment charge.* If water bills are not paid by the due date, a five percent penalty shall be added to the delinquent bill.

(Code 2009, §§ 1040.05, 1044.06(g); Ord. No. 2011-1, § 1, 3-21-2011; Ord. No. 2014-3, § 1040.05, 12-30-2014; Ord. No. 2015-2, § 1, 6-1-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-05(2), § 3, 9-3-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)

Sec. 42-361. - Enforcement; liens.

- (a) The rates and charges for water and sewage disposal service furnished by the city shall be liens on the property served. The city shall certify those rates and charges delinquent for six months or more to the city tax assessing officer, who shall enter the amount of the delinquent rates and charges on the tax roll against the premises to which the service was rendered, and who shall collect the rates and charges and enforce the lien in the same manner as provided for the collection of ad valorem property taxes assessed upon the same roll and the enforcement of the lien for taxes.
- (b) The charges for water and sewage disposal service which are, under the provisions of MCL 141.121 made a lien on all premises served thereby, unless notice is given pursuant to this article that a tenant is responsible, which notice shall include a true copy of the lease of the affected property, and recognized to constitute such lien.
- (c) When any such charge against any piece of property shall be delinquent for six months, the city official in charge of the collection shall certify annually on April 1 to the tax assessing officer of the city the fact of such delinquency, where upon such charge shall be by such tax assessing officer entered upon the next tax roll as a charge against the premises and shall be collected and the lien thereon enforced.
- (d) In addition to other remedies provided, the city shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of the rates when due. If such charges are not paid within 30 days after the due date thereof the water shall not be restored until the sums then due and owing shall be paid, plus a turn-on charge, as determined from time to time, by resolution of the city council.

(Ord. No. 2015-1, § 1(1044.06(h)), (1044.07), 1-19-2015; Ord. No. 2019-06(1), § 2, 4-15-2019; Ord. No. 2019-06(2), § 1, 9-3-2019)