

ORDINANCE NO. 2010-02

An Ordinance to Update Article II. [Sewer Utility] of the Code of Ordinances for the Village of Ontonagon.

The Village of Ontonagon hereby Ordains, that a new Article IV (Sewer Utility) of Chapter 54 (Utilities) be created, to read as follows:

Article IV. Sewer Utility

Sec. 54-01. Operation of System on Public Utility Rate Basis

Sec. 54-02. Charges; Rate Sufficiency

Sec. 54-03. Charges; Separate Agreements

Secs. 54-04 – 54-225. Reserved.

Sec. 54-26. Definitions.

Sec. 54-27. Penalty for violation.

Sec. 54-28. Control of public sewers

Sec. 54-29. Extensions of public sewers; application of private installations; conditions and fees for installation by the village

Sec. 54-30. Application for service; fees and costs; installation and maintenance; building sewers and connections

Sec. 54-31. Reserved

Sec. 54-32 Sewer service pipes; placement and specifications

Sec. 54-33 Use of public sewers

Sec. 54-34. Reserved

Sec. 54-35. Reserved

Sec. 54-36. Rates; billing and collection for sewage treatment service

Sec. 54-37. Reserved

Sec. 54-38. Reserved

Sec. 54-39. Complaints to council

Sec. 54-40. Limitation of liability for discontinuance of service

Sec. 54-41. Reserved

Sec. 54-42. Reserved

Sec. 54-43. Savings clause; severability.

Sec. 54-44 54-55. Reserved

Division 2. Rates

Sec. 54-56 Charges

Sec. 54-01 Operation of System on Public Utility Rate Basis

It is determined to be desirable and necessary for the public health, safety, and welfare of the Village of Ontonagon that the Village of Ontonagon Sewer Utility is operated by such Village on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.01 et seq.), as amended.

Sec. 54-02 Charges; Rate Sufficiency

It is declared necessary for the protection of the health, welfare and convenience of the citizens of the Village to levy and collect charges upon the premises served by the municipal sewer system. The proceeds of such charges are to be used for the benefit and maintenance of the system, for the retirements of bond indebtedness incurred therefor, for operation and maintenance, and for the construction of replacement sewer facilities. The rates hereby adopted by resolution of the Village Council are estimated to be sufficient to provide for the payment of the systems expenses and shall be revised as may be necessary to produce sufficient amounts.

Sec. 54-03 Charges; Separate Agreements

The Village council shall, from time to time, set the rates for sewer service by resolution. The rates and charges established by resolution do not preclude or prevent the Village from entering into separate agreements that would be in the best interests of the Village.

Sec. 54-04 – 54-25. Reserved.

Sec. 54-26. Definitions.

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

BOD (biochemical oxygen demand) means the quantity of oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

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

Building Sewer (or Sewer service pipe) means the pipe conveying wastewater or sewage from the point of discharge or building drain on any premises to the public sewer.

Classes of users means the division of sanitary sewer works customers into classes by similar process or discharge flow characteristics, as follows:

(1) Residential user means an individual house, dwelling unit, mobile houses, condominiums or multifamily dwellings.

(2) Commercial user means any retail or wholesale business engaged in selling merchandise or a service.

(3) Institutional user means any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user.

(4) Governmental user means any federal, state or local government office or government service facility.

(5) Industrial user means any nongovernmental user of a publicly owned treatment works discharging in excess of 25,000 gallons per day of waste, or waste which contains pollutants which interfere with the treatment process and are toxic, incompatible, contaminated or otherwise reduce utility to sludge.

Combined sewer means a sewer receiving both surface runoff and sewage.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, and any additional pollutants identified in the NPDES permit if the treatment works was designated to treat pollutants and, in fact, can remove such pollutants to a substantial degree. The term "substantial degree" generally means removals on the order of 80 percent or greater.

Council means the Village Council of the Village of Ontonagon.

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

Incompatible pollutant means pollutant that is not a compatible pollutant.

Industrial cost recovery means the recovery from each industrial user of a portion of the U. S. Environmental Protection Agency grant which is allocable to the treatment of industrial wastes.

Industrial Waste means the liquid waste from industrial, manufacturing processes, trade or business as distinct from segregated domestic strength wastes or wastes from sanitary conveniences.

Infiltration means any water entering the sewer system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Infiltration/ inflow means the total quantity of water from both infiltration and inflow without distinguishing the source.

Inflow means any water entering the system through such sources as, but not limited to, building down spouts, footing or yard drains, cooling water discharges, seepage lines from springs, swampy areas and storm drain cross connections. Inflow does not include, and is distinguished from, infiltration.

Long Term Debt Fee means the charge levied on all users of the sewer supply system for the cost of operation, maintenance, replacement of such system and the cost of any bonded indebtedness of which debt repayment is to be made from the revenues of such system.

Main means any pipe, other than a service pipe, used for conveying or distributing water.

May means permissive. (see definition of Shall)

Major contributing industry means an industrial user that discharges:

- (1) A flow of 50,000 gallons or more per average workday,
- (2) A flow exceeding five percent of the total treatment plant flow,
- (3) Toxic pollutants in toxic amounts as defined in the NPDES permit, or
- (4) A flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.

Natural outlet means an outlet into a watercourse, pond, ditch, lake or other body of surface water to ground water.

Normal strength sewage means a sanitary wastewater flow containing an average daily BOD of not more than 20 mg/l or an average daily suspended solid concentration of not more than 250 mg/l.

NPDES permit means the National Pollution Discharge Elimination System permit issued by the Michigan Department of Environmental Quality for the discharge of wastewater into the waters of the state.

Operation and maintenance costs mean all costs, direct and indirect, other than debt service, necessary to ensure wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to ensure optimal longterm facility management (these O & M costs include depreciation and replacement costs).

Owner means any person or legal entity holding title of record to any premises connected or to be connected with the Village sewers, or the duly authorized agent of such person or legal entity.

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

Premises mean a single, continuous parcel of land or record upon which is located a structure used for residential, commercial or industrial purposes, together with any accessory buildings.

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

Public sewer means a sewer in which all owners of abutting properties have equal rights, if any, controlled by public authority.

Replacement means necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment work.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions, governmental and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collection, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit, open or closed, for carrying either wastewater or sewage, and any catch basins, connections, and appurtenances thereto, excluding, however sewer service pipes.

Sewer service pipe(or building sewer) means the pipe conveying wastewater or sewage from the point of discharge or building drain on any premises to the public sewer.

Shall means mandatory; may is permissive. (see definition of permissive)

Significant industry means any industry which contributes greater than ten percent of the design flow design loading of the treatment works.

Slug means any discharge of water, sewer or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period duration longer than 15 minutes, more than five times the average 24 hour concentration of flows during normal operation, or five times the allowable limit for those substances with allowable limits in this article.

Storm drain (storm sewer) means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

Suspended solids means solids that either float on the surface or are in suspension in the water, sewage or liquids and which are removable by laboratory filtering and are not referred to as non-filterable residue in laboratory testing.

User charge means the charge levied on all users of the treatment works for the cost of operation repairs and maintenance, including replacement, of such treatment works and the cost of any bond debt of which debt repayments to be made from the revenues of such works.

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

Sec. 54-27. Penalty for violation.

Any person upon conviction for violation of any provision of this article shall be fined as prescribed in section 1-10 of the Code of Ordinances of the Village of Ontonagon. Each day or fraction of a day in which such violation is committed or suffered to continue shall be deemed a separate offense. The penalties provided in this section shall not be in derogation of the right of the Village to restitution for any expense, loss or damage to the Village caused by the violation of any of the provisions of this article.

Sec. 54-28. Control of public sewers

The sewers of the Village are under the exclusive control of the Council, and no person other than authorized Village agents or employees shall disturb, tap, change, obstruct, or interfere with them in any way.

Sec. 54-29. Extensions of public sewers; application of private installations; conditions and fees for installation by the Village

(a) Extensions of or change in the sewers shall be made only by direction of the Village Council. Written application for the extension of old or construction of new sewers shall be filed with the Village Manager. The Village Manager shall present the application to the Council at its next regular meeting called for such purpose.

(b) Private installations. Any person or other legal entity installing sewers at their own expense shall first submit plans and specifications of such work with the application. No work shall be performed prior to approval of the application by the Village. All work shall be performed consistent with the terms and conditions of the approval. The Village Manager, or his/her representative, shall inspect the work from time to time, and may require such tests as he/she deems necessary. Water may not

be admitted to such sewers, except for purpose of testing, until the Village Manager shall have filed with the Village Clerk written acceptance of such installation on behalf of the Village. All costs of inspection and testing by the Village shall be paid by the applicant prior to such acceptance.

(c) Installation by Village. Except as provided in subsection (a) of this section, each application of extension of sewer shall contain the applicant's agreement to pay 50 percent of the cost of such extension. Upon receipt of the application, the Village Manager shall determine the estimated cost on a front footage basis and report the same to the Council. The Council shall approve or disapprove the project and direct that the applicant be notified. If the Village Council approves such extension, the Village Manager shall advise the applicant of the date when 50 percent of the estimated cost shall be deposited in the office of the Village Clerk.

Upon completion of the project, the actual cost of such extension shall be computed. If the actual cost exceeds the estimate, the applicant shall pay to the Village, within 10 days, 50 percent of the amount by which the actual construction cost exceeds the estimate. Therefore, the applicant is charged for 50 percent of the total construction cost of the extension project. If actual construction cost is less than the estimate, the Village Manager shall return to the applicant the amount of the deposit which exceeds 50 percent of the actual construction cost.

When the applicant is required to pay 50 percent of the construction cost for extension of the sewer for adjacent property not owned by the applicant, the Village Manager shall file and retain a report containing the actual construction cost of the extension determined on a front footage basis, the completion date of the project and the name and address of the applicant or his/her heirs or assigns as provided by applicant. The report shall be maintained and available for inspection by the public. When an owner applies for sewer service connection to extended sewer, the applicant shall deposit with the Village Treasurer a sum equal to his/her proportionate share (on a front footage basis) of the actual cost of such extension. In this way, the applicant shall contribute the appropriate share of the original cost for sewer extension for adjacent property.

The proportionate share of the owner of premises bounded on two sides by extended sewer shall be based upon the mean average distance. The applicant for service may file with the Village Manager a receipt showing payment of such proportionate share to the original applicant who contributed to the cost of the extension or the property heirs, successor or assigns. Alternately, The applicant for service may deposit the proportionate share of the extension cost with the Village. In this case, the Village Manager shall within 10 days notify the original participating applicant for extension (or his/her heirs or assigns) as shown in the report filed and maintained for this purpose.

Such notice shall be sent by certified mail, return receipts requested. The notice shall relate that a deposit has been made and that the party notified may come to the Village office to claim the monies at any time within six months of the date of the notice. If the party so notified fails to personally come to the Village within six months of the date of the notice, such monies shall be considered forfeited to the sewer fund of the Village.

Sec. 54-30. Application for service; fees and costs; installation and maintenance, building sewers and connections.

(a) No unauthorized person shall uncover, make any connection with, open into, use, alter or disturb any public sewer mains and/or appurtenances without first obtaining a written permit from the Village Manager.

(b) There shall be two classes of building sewer permits: (1) service to residential and/or commercial and (2) service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Village Manager. The permit application shall be supplemented by any plan, specifications or other information considered pertinent in the judgment of the Village Manager. A permit and inspection fee for residential, commercial or industrial building sewer permit, which is set from time to time by Resolution of the Village Council, shall be paid to the Village Treasurer at the time the application is filed.

(c) An application for connection with public sewer shall be accompanied by the applicable permit fee. The applicant shall be responsible for installing and maintaining, at the applicants expense, all sewer service pipe and connections from the point of Village installation to and upon applicant's premises, in a manner consistent with the terms of section 54-32. The Village shall supply a sewer saddle at the main. If the owner of premises fails to properly maintain sewer service lines for which he/she is responsible such that unsatisfactory or unsanitary sewage conditions exist on any premises, the Village Council may order discontinuance of sewer service to the premises until conditions are corrected to the satisfaction of the Village Manager.

(d) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(e) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or cannot be constructed to the rear building through an adjoining alley, courtyard or driveway. In this situation, the building sewer from the front building may be extended to the rear building.

(f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village Manager, to meet all requirements of this article.

(g) The size, slope, alignment, materials of construction of a building sewer, methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the state. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and W P C F Manual of Practice No. 9 shall apply.

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building's drain shall be lifted by an approved means and discharged to the building's sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. The connection shall comply with procedures set forth in appropriate specifications. The connection shall be made gastight and watertight.

(j) Any deviation from the prescribed procedure and materials must be approved by the Village Manager before installation.

(k) The applicant for the building sewer permit shall notify the Village Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Manager or his representative.

(l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Manager.

(m) No connections will be allowed unless there is capacity available in downstream sewer, pump station, interceptors, force mains and treatment plant, including capacity for BOD and suspended solids in the treatment plant.

Sec. 54-31. Reserved.

Sec. 54-32. Sewer service pipes; placement and specifications.

The type and quality of sanitary sewer pipe and fillings used shall conform to the current specifications of the Village at the time the permit is issued, and/or shall be approved by the Village Manager. All such pipe shall be not less than four inches in nominal inside diameter. The minimum size shall be increased, however, when required by the Village in any case where the quantity of water likely to be discharged through the sewer service pipe is larger than that from a normal single-family residence. All such pipe shall be laid with a fall from the building to the sewer with such fall, insofar as practical, to be uniform throughout the length of the sewer service pipe. The fall of four-inch pipe shall not be less than one-eighth inch per foot. All sewer service pipe shall be subject to inspection by the Village Manager or his duly authorized agent.

Sec. 54-33. Use of public sewers.

(a) Water pollution. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

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

(c) Sewer connection required. The owner of a structure in which sanitary sewage originates and is located not more than 200 feet from the nearest point of the public sanitary sewer system, as it is now or may hereafter be established, is hereby required to connect such structure with the public sewer in accordance with the provisions of this article within 60 days after date of official notice to do so. Failure to do so will subject the owner of such structure to penalties provided in this article, or such connection may be compelled as provided in section 12754 of the public health code, Act No. 368 of Public Acts of Michigan 1978 (MCL 333.12754, MSA 14.15 (12754)), as amended. Upon connection with the public sewer any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(d) Industrial sewage discharges. Any industry or structure discharging industrial waste to the sanitary sewer, storm sewer or receiving stream shall file the materials listed below with the Village Manager:

(1) A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged and the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the waste.

(2) A plan map of the building, the works or the complex. Each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse or groundwaters shall be noted and described. The waste stream identified.

(3) A sample test and reports detailing appropriate characteristics of wastes at the locations shall be filed on a schedule with the Village Manager and the appropriate state agencies, according to methods prescribed by the State Department of Public Health.

(4) The appropriate qualifications and appropriate state certifications of the supervising person(s) and the control person(s) managing the waste treatment facilities, process facilities and waste problems.

(5) A report of the raw materials entering the process or support system, the intermediate materials, the final product and the waste byproducts (as these factors may affect waste control).

(6) Records and reports on the final disposal of specific liquids, solids, sludge, oils, radioactive materials, solvents or other wastes.

(7) A written request shall be submitted to the Village Manager for approval if any industrial process is to be altered to include or negate a process for waste or potential waste.

(e) Private sewer systems. Where connection to a public sanitary or combined sewer is not required under the provisions of this article or state law, the building sewer shall be connected to a private sewage disposal system complying with the regulations of the State Department of Public Health.

(f) Stormwater drains. Stormwater drains may be utilized as follows:

(1) No person shall discharge or cause to discharge any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

(3) If the Council shall determine that any pre-existing connection of a storm drain to a sanitary sewer shall be discontinued, the Village Manager shall give notice to the owner or occupants of such premises to disconnect the storm water drain within ten (10) days after the date of the notice. If the owner or occupant of the premises fails to comply with such notice, the Village shall disconnect the stormwater drain. The disconnect cost plus an administrative charge of ten percent may be assessed against the premises and the owner.

(g) Prohibited uses. Except as provided in this section by specific limits, no person shall discharge any of the following described water or waste in any public sewers:

- (1) BOD5 in excess of 200 mg/l
- (2) COD in excess of 450 mg/l
- (3) Chlorine demand in excess of 15 mg/l
- (4) Color, as from, but not limited to, dyes, inks and vegetable tanning solutions shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.
- (5) Explosive liquid, solid, gas, gasoline, benzene, naphtha, fuel oil, or other flammables shall not be admitted.
- (6) Garbage not properly shredded (no particle size greater than one-half inch) shall not be allowed.
- (7) Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit shall not be admitted to the sanitary sewer.
- (8) Industrial wastes in concentration in excess of those limits listed below shall not be allowed to enter sanitary sewers:

Cd Cadmium

CN Centane Number: Limitations set forth by appropriate state agencies to comply with federal guidelines for protection of treatment plant and receiving watercourse, and limitations set forth in the NPDES permit.

CR6+ Chromium Cr6+

Cr Total Chromium, Total

Cu Copper

Fe Iron

Ni Nickel

Pb Lead

Phenols

Zn Zinc

Or any other metallic compound in sufficient quantity to impair the operations of the sewage treatment process.

(9) Inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or dissolved solids (such as but not limited to, sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.

(10) Insoluble, solid, or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar feathers, plastics, wood, hair, fleshings, etc.) shall not be admitted to sanitary sewers.

(11) Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulfur dioxide or oxides of nitrogen and other substances capable of public nuisance) shall not be allowed.

(12) pH less than 5.5 and greater than 9.5 shall not be allowed.

(13) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulation shall not be allowed.

(14) Suspended solids in excess of 250 mg/l.

(15) Temperature of wastes less than 32 degrees Fahrenheit and greater than 150 degrees Fahrenheit shall not be allowed.

(16) Waters or wastes containing substances which are not amenable to treatment and/or reduction by the sewage treatment processes employed are prohibited only to such degree that the sewage

treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(h) Alternative responses to discharge of deleterious matter. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess characteristics enumerated in subsection (g) of this section and which, in the judgment of the Village Manager, may have a deleterious effect upon the sewage works, process, equipment or receiving waters or otherwise create a hazard to life or constitute a public nuisance, the Village Manager may:

- (1) Reject the waste
- (2) Require pretreatment to the level and rates of discharge
- (3) Require control over the quantities and rates of discharge
- (4) Require payment under the provisions of subsection (m) of this section to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges
- (5) Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Village Manager concerning the proposed flows.

If the Village Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Manager and shall be subject to the requirements of all applicable codes, ordinances and laws.

(i) Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Manager and shall be located as to be readily and easily accessible for cleaning and inspection.

(j) Maintenance of preliminary treatment facilities. Preliminary treatment or flow equalizing facilities which provide for any water or wastes shall be maintained continuously in satisfactory and effective operating condition by the owner at owner's expense.

(k) Observation manholes. When required by the Village Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible, safely located and constructed in accordance with plans approved by the Village Manager. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

(l) Methods of testing. All measurements, tests and analyses of characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the most recent edition of Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works

and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of any premises is appropriate or whether grab samples should be taken.

(m) Special agreements prior to discharge of deleterious matter. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern.

(n) Pretreatment of industrial cooling water. Industrial cooling water containing such pollutants as insoluble oils and grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to the storm sewer

(o) Protection from damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works.

(p) Powers and authority of inspectors. Duly authorized and properly identified agents of the Village, the State Department of Natural Resources or United States Environmental Protection Agency shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Village Manager or his/her representative shall have no authority to inquire into any process including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment. While performing the necessary work on private properties referred to in this subsection, the Village Manager or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Village employees. The Village shall indemnify the company for liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

Sec. 54-34. Reserved

Sec. 54-35. Reserved

Sec. 54-36. Rates; billing and collection for sewage treatment service.

(a) General rates, billing and collection. Except as otherwise provided in this section, rates payable for sewer service as well as methods of billing and collection shall be as established in section 8 of Village Ordinance 1975 No. 4 (302.08), as amended, or as may be amended from time to time.

(b) Joint Billing. Each bill submitted for water and sewer service shall show the sum then due and payable for both water service and sewer service combined. The service components of such statement shall not be severable but shall be paid as one bill. All payments accepted on behalf of the Village shall be applied to the earliest existing amount unpaid and to any penalty thereon. Any partial payment shall be applied first to any penalty imposed, and then to amounts due for service prorated

over the water and sewage treatment service components of the bill in proportion to the amounts of each such component.

(d) Unmetered service during construction. The owner of premises upon which a building is being constructed where a temporary meter has not been installed but which receives sewer service during construction shall be charged the appropriate minimum rates for such service, as provided in the rate schedules, prorated on a monthly basis for the term of such use.

(e) Unmetered dwelling units. For any building which has more than one dwelling unit or commercial enterprise and does not provide metered service for each distinct unit, as required by section 54-135(a), each distinct unit or enterprise shall be charged the appropriate minimum rates for such service as provided in the rate schedule. If the metered consumption for the entire premises is greater than would be covered by payment of the combined minimum bills of the distinct units located therein, the excess consumption shall be charged, in accordance with the rate schedules, to the unit which is in fact metered.

(f) Metered buildings and/or metered dwelling units. In some events a metered building and/or a metered dwelling unit utilize an unmetered water source and utilize the Village sewer service. These events show meter reading usage at minimum water and sewer usage. In these occurrences, the meters on the buildings and/or dwelling units do not record true or real sewage service usage. If the Village Manager has reason to believe that more than the minimum amount of sewage service is being used by a distinct metered unit, the Village Manager may adjust the consumption rate by using the formula of 75 gallons per day, multiplied by the number of persons occupying the distinct unit. The dwelling unit shall be charged accordingly. This provision shall not be deemed to shift or modify final liability for payment of such charges pursuant to Section 21 of the Revenue Bond Act of 1933, Act No. 94 of the Public Acts of Michigan, as amended.

(g) Unmetered water source. For any building with unmetered water sources, the consumption rate shall be adjusted using a formula of 75 gallons per day, multiplied by the number of persons occupying the building. The building or dwelling unit shall be charged accordingly. This provision shall not be deemed to shift or modify liability for payment of such charge pursuant to Section 21 of the Revenue Bond Act of 1933, Act No. 94 of the Public Acts of Michigan, as amended.

Sec. 54-37. Reserved

Sec. 54-38 Reserved

Sec. 54-39. Complaints to council.

Any person claiming to be overcharged for sewage treatment service or otherwise claiming to be aggrieved by any action taken pursuant to this article shall first make a complaint in writing to the Village Clerk for placement of the matter upon the agenda for the next regular Village Council meeting. The complainant shall make full presentation at such meeting for consideration by the Council. Compliance with this procedure shall be a condition precedent to any other action upon the matter which may be available to the complainant.

Sec. 54-40. Limitation of liability for discontinuance of service

If it should be necessary to discontinue sewer service to any section of the Village or to any premises because of an accident or for making repairs or extensions, the Village Manager or his authorized agent shall endeavor to give timely notice to the consumers affected thereby, and shall, so far as practicable, attempt to prevent inconvenience or damage resulting from such discontinuance of service. Failure to give such notice shall not render the Village liable for damages which may result from such discontinuance of service, nor shall the Village be liable for damage or inconvenience resulting for any discontinuance of service authorized by this article.

Sec. 54-41. Reserved.

Sec. 54-42. Reserved

Sec. 54-43. Savings clause; severability.

All ordinances, resolutions or part thereof, in conflict with the provisions of this article are, to the extent of such conflict, repealed. If any section, paragraph, clause or provision of this article shall be held invalid, the invalidity of such section paragraph, clause or provision of this article shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this article.

Sec. 54-44. Reserved

Sec. 54-55. Reserved.

Division 2. Rates

Sec. 54-56. Charges

The Village Council shall, from time to time, set the rates for sewer service by resolution. Chapter 55

RESERVED

This Ordinance shall take effect immediately upon publication.

Publication on December 22, 2010.