

## CHAPTER 51: SEWERS

### Section

#### General Provisions

- 51.001 Definitions
- 51.002 Deposit of objectionable waste prohibited
- 51.003 Discharge of untreated sewage into natural outlet
- 51.004 Privies, septic tanks and other facilities
- 51.005 Owner's responsibility to install suitable toilet facilities
- 51.006 Right of entry for purpose of inspection; indemnification; easements on private property
- 51.007 Destroying or tampering with sewage works equipment
- 51.008 Defective sewers

#### Private Sewage Disposal System

- 51.020 Private sewage required
- 51.021 Written permit required
- 51.022 Compliance with Western Upper Peninsula District Health Department
- 51.023 Connecting building sewer to public sewer
- 51.024 Operation and maintenance of private sewage disposal facilities
- 51.025 Noninterference with additional requirements

#### Building Sewers and Connections

- 51.035 Connection permit required
- 51.036 Building sewer permits
- 51.037 Costs and expenses of installation and connection; indemnification
- 51.038 Separate building sewer for every building
- 51.039 Use of old building sewers with new buildings
- 51.040 Specifications for laying building sewer
- 51.041 Elevation of building sewer
- 51.042 Connection of building sewer

51.043 Inspection of building sewer

51.044 Excavations

#### Use of Public Sewers

51.055 Discharge of stormwater and other unpolluted drainage

51.056 Prohibited discharges to public sewers

51.057 Powers of ~~superintendent~~DPW Director over discharge of waters or wastes

51.058 Grease, oil and sand interceptors

51.059 Preliminary treatment

51.060 Control manhole

51.061 Measurements, tests and analyses

51.062 Special agreements

#### Rates and Charges

51.075 Definitions

51.076 Operation of system on public utility rate basis

51.077 Supervision and control of system

51.078 Schedule of rates and charges

51.079 No free service

51.080 Authority of City Treasurer to render bills

51.081 Application for sewer service

51.082 Connection to sewage disposal system when available

#### Administration and Enforcement

51.095 Hearing Board

51.096 Permit required for sewers

51.998 Notice of violation, liability

51.999 Penalty

#### GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOD (BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet or 1.5 meters outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**CITY, THE CITY or THIS CITY.** Shall be construed as if the words "of Hancock, Michigan" followed it and shall extend to and include its several officers, agents and employees.

**CITY MANAGER.** The City Manager of Hancock, Michigan.

**COMBINED SEWER.** A sewer receiving both surface runoff and sewage.

**COUNCIL.** The municipal council of the City of Hancock.

**COUNTY.** The County of Houghton in the State of Michigan.

**DPW DIRECTOR.** The City Manager, DPW Director of Public Works and any duly authorized city employee or representative whose job it is to inspect, test and examine work done in connection with each installation; and whose job it is to enforce or secure the enforcement of the provisions of this chapter.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of foods, and from the handling, storage, and sale of produce.

**HEARING BOARD.** That Board appointed according to the provisions of § 51.095.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

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

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be

carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and is controlled, by the city as a public authority.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

**SEWAGE.** A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

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

**STATE.** The State of Michigan.

**STORM DRAIN or STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

~~**SUPERINTENDENT.** The City Manager, Superintendent of Public Works and any duly authorized city employee or representative whose job it is to inspect, test and examine work done in connection with each installation; and whose job it is to enforce or secure the enforcement of the provisions of this chapter.~~

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 113, passed 7-23-75)

## § 51.002 DEPOSIT OF OBJECTIONABLE WASTE PROHIBITED.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.003 DISCHARGE OF UNTREATED SEWAGE INTO NATURAL OUTLET.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.004 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES.

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

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.005 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES.

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, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required, at ~~his owner's~~ expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.006 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; INDEMNIFICATION; EASEMENTS ON PRIVATE PROPERTY.

(A) The ~~Superintendent~~DPW Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

The ~~Superintendent~~DPW Director or ~~his authorized~~ representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the ~~Superintendent~~DPW Director or duly-authorized employees of the city shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the city employees and the city shall indemnify the owner against loss or damage to his property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in § 51.060.

(C) The ~~Superintendent~~DPW Director and other duly-authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly-negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly-negotiated easement pertaining to the private property involved.

(Ord. 113, passed 7-23-75)

#### § 51.007 DESTROYING OR TAMPERING WITH SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.008 DEFECTIVE SEWERS.

Whenever a building sewer or drain is obstructed, or is found to be broken or defective so that sewage or drainage escapes into surrounding soil or into adjacent premises, repair or replacement may be ordered by the building or health official. Such repairs shall be at the expense of the owner or person in control of such property.

(Ord. 113, passed 7-23-75)

#### PRIVATE SEWAGE DISPOSAL SYSTEM

#### § 51.020 PRIVATE SEWAGE REQUIRED.

Where a public sanitary sewer is not available under the provisions of § 51.005, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.021 WRITTEN PERMIT REQUIRED.

(A) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the ~~Superintendent~~DPW Director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the ~~Superintendent~~DPW Director. A permit and inspection fee of ~~\$5~~that is set by City Council resolution shall be paid to the city at the time the application is filed.

(B) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the ~~Superintendent~~DPW Director. ~~The DPW Director or authorized representative~~He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the ~~Superintendent~~DPW Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the ~~Superintendent~~DPW Director.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.022 COMPLIANCE WITH WESTERN UPPER PENINSULA DISTRICT HEALTH DEPARTMENT.

The type capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Western Upper Peninsula District Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities unless previously approved by the Western Upper Peninsula District Health Department and a septic system construction permit has been obtained from that office. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 113, passed 7-23-75)

#### § 51.023 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 51.022, a direct connection shall be made to the public sewer in compliance with this subchapter within 90 days after date of official notice

to do so, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.024 OPERATION AND MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.025 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Western Upper Peninsula District Health Department.

(Ord. 113, passed 7-23-75)

### BUILDING SEWERS AND CONNECTIONS

#### § 51.035 CONNECTION PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Superintendent~~ DPW Director. Permits will only be issued for property within the city limits.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.036 BUILDING SEWER PERMITS. Owner must file permits as required by Houghton County Building Department.

~~—There shall be two classes of building sewer permits: One for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$10 for a residential or commercial building sewer permit and \$25 for an industrial building sewer permit shall be paid to the city at the time the application is filed.~~



(Ord. 113, passed 7-23-75)

§ 51.037 COSTS AND EXPENSES OF INSTALLATION AND CONNECTION;  
INDEMNIFICATION.

~~All costs and expense incidental to the installation and connection of the building sewer shall be born by t~~The owner is responsible for all costs and expenses of sewer installation and connection from the property line to the structure. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. ~~The City will provide a standard four-inch sewer tap from the main to the property line, not to exceed 60 feet. When applicable, include clean-out structure at the owner's expense. The owner must pay a connection fee in-~~ the amount ~~will be set by City Council resolution.~~

(Ord. 113, passed 7-23-75)

§ 51.038 SEPARATE BUILDING SEWER FOR EVERY BUILDING.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

§ 51.039 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the ~~Superintendent~~DPW Director; to meet all requirements of this chapter.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

§ 51.040 SPECIFICATIONS FOR LAYING BUILDING SEWER.

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

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.041 ELEVATION OF BUILDING SEWER.

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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.042 CONNECTION OF BUILDING SEWER.

(A) The connection of the building sewer into the public sewer shall conform to the requirements of applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.E. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~Superintendent~~DPW Director before installation.

(B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.043 INSPECTION OF BUILDING SEWER.

The applicant for the building sewer permit shall notify the ~~Superintendent~~DPW Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~Superintendent~~DPW Director or his authorized representative.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.044 EXCAVATIONS.

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

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

## USE OF PUBLIC SEWERS

### § 51.055 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE.

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

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the ~~Superintendent~~DPW Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the ~~Superintendent~~DPW Director, to a storm sewer or natural outlet.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

### § 51.056 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to cyanides in excess of two milligrams per liter as Total Cyanide (CN) in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(B) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the ~~Superintendent~~DPW Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can

otherwise endanger life, limb, public property, or constitute a nuisance. In forming [his-an](#) opinion as to the acceptability of these wastes, the [Superintendent DPW Director](#) will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plan, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (2) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp) metric or greater shall be subject to the review and approval of the [Superintendent DPW Director](#).
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composited sewage at the sewage treatment works exceeds the following respective limits for such materials:

Waste or Chemical

Concentration mg/l

Boron

1.0

Chromium (Hexavalent)

5.0

Chromium (Trivalent)

10.0

Copper

3.0

Cyanide

2.0

Iron

15.0

Lead

0.1

Nickel

3.0

Oil & Grease, etc. (carbon Tetrachloride extraction)

100.0

Temperature not over 150°F(65°C)

Acid iron pickling waste or concentrated

Planting waste

0

Free acids and alkalis pH

between 5.5 and 9.5

Zinc

2.0

Cadmium

2.0

Chlorine Demand

30.0

Phenols

0.5

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent DPW Director as necessary, after treatment of the composited sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent DPW Director in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inertly suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable, to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

§ 51.057 POWERS OF ~~SUPERINTENDENT~~DPW DIRECTOR OVER DISCHARGE OF WATERS OR WASTES.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.56 division (B) of this subchapter and which in the judgment of the ~~Superintendent~~DPW Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~Superintendent~~DPW Director may:

(A) Reject the wastes.

(B) Require pretreatment to an acceptable condition for discharge to the public sewers.

(C) Require control over the quantities and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.062 of this subchapter. If the ~~Superintendent~~DPW Director 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 ~~Superintendent~~DPW Director, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 113, passed 7-23-75)

#### § 51.058 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~Superintendent~~DPW Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable 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 ~~Superintendent~~DPW Director, and shall be located as readily and easily accessible for cleaning

and inspection.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.059 PRELIMINARY TREATMENT.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his-owner's expense.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.060 CONTROL MANHOLE.

When required by the ~~Superintendent~~DPW Director, 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 observations, sampling, and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the ~~Superintendent~~DPW Director. The manhole shall be installed by the owner at his-owner's expense, and shall be maintained by him-the owner so as to be safe and accessible at all times.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.061 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole. In the event that no special manhole is 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 a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. 113, passed 7-23-75)

#### § 51.062 SPECIAL AGREEMENTS.

No statement contained in this subchapter 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 payment, therefore, by the industrial concern.

(Ord. 113, passed 7-23-75)

#### RATES AND CHARGES

#### § 51.075 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANNUAL REVIEW.** The report to be submitted once each year to the Mayor reviewing the rates, adequacy of revenues and proportionality of the users charge system.

**DOMESTIC WASTE.** Waste normally emanating from residential living units and resulting from the day to day activities usually considered to be carried on in a domicile. Wastes emanating from other users which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

**INDUSTRIAL WASTE.** Any liquid, free flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids.

**OPERATION AND MAINTENANCE.** All work, material, equipment, utilities and other effort required to operate and maintain the waste water transportation and treatment systems consistent with insuring adequate treatment of waste water to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of replacement.

**OWNER.** A person who has a fee simple interest in property or a land contract purchaser.

**SANITARY SEWAGE.** Any waste meeting the conditions imposed by this code.



**SEWAGE DISPOSAL SYSTEM.** All sanitary sewers, combined sanitary and storm sewers, plants, works, instrumentalities and properties used or useful in connection with the collection, treatment or disposal of sewage or industrial wastes, owned and operated by the city, or operated in connection therewith under the direction of the city or its designated agent.

**SEWAGE SERVICE CHARGE.** The total charge to be levied against users of the sewage disposal system and shall consist of user charges and local capital cost charges and industrial cost-recovery the combination of which shall be that rate set forth in this subchapter.

**SIGNIFICANT CONTRIBUTOR.** A user of the sewage disposal system whose discharge contains industrial waste or toxic substances.

**SURCHARGE.** Any surcharge established by the Portage Lake Water and Sewer Authority will be passed on the city users.

**USER CHARGE.** A charge applied at a proportional and uniform rate without regard to political boundaries, levied on users of a treatment works for the cost of operation and maintenance of such works pursuant to Section 204b of PL 92-500 and includes the cost of replacement.

**USER CLASS.** The kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial and institutional.

(1) **RESIDENTIAL USER.** All users that are domiciles or housing units either single family or multi-family.

(2) **INDUSTRIAL USER.** Any non-governmental, non-residential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 GPD of sanitary wastes.

(3) **COMMERCIAL.** All business and service places other than industrial.

(4) **INDUSTRIAL USER (INDUSTRIAL COST-RECOVERY SYSTEM).**

(a) Any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as amended and supplemented, under the following divisions:

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

(b) A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(5) INSTITUTIONAL. An organization having a social, educational or religious purpose including but limited to churches, schools, colleges or hospitals.

(Ord. 123, passed 11-28-77; Am. Ord. 129, passed 4-26-79)

#### § 51.076 OPERATION OF SYSTEM ON PUBLIC UTILITY RATE BASIS.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the city, that the city's sewage disposal system be operated by said city on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

(Ord. 123, passed 11-28-77)

#### § 51.077 SUPERVISION AND CONTROL OF SYSTEM.

The operation, maintenance, alteration, repair and management of the sewage disposal system shall be under the supervision and control of the City Council. Said city may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

(Ord. 123, passed 11-28-77)

#### § 51.078 SCHEDULE OF RATES AND CHARGES.

##### (A) Sewer use charges.

(1) Sewer use charges for all premises shall be ~~\$9.85~~ charged per 1,000 gallons of water metered. rate to be set by City Council resolution. Until revised by resolution, the Sewer use charge for all premises shall be \$9.85 per 1,000 of water metered. The readiness-to-service charge shall be \$5.00 for all premises, and tThe minimum bill charge shall be ~~\$9.85-1,000 gallons~~ per month at the current rate.

(2) ~~This rate increase will commence with the November, 2017, utility billing. The City Council may establish rates on an inflationary basis.~~

(3) Utility bills will include a flat sewer debt fee based on water meter size. This fee is set by City Council resolution.

~~(3 4) Sewer use charges for individual service without water shall be \$10 per month. Sewer use charges for individual service without water shall be a minimum of 3,000 gallons per month.~~

~~(5) All sewer charges for customers outside the city limits using city sewer shall have a multiplier of 1.5 at current rates.~~

~~(B) Billing. Bills will be rendered monthly, being estimated for the first and second months and based on a meter reading for the third month. The bill will be payable without penalty within 20 days after the date thereon. Payments received after such period shall bear a penalty of 5% of the amount of the bill. All sewer renewal of service lines deemed necessary are at the owner's expense from the property line to the premise.~~

(C) Intent. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as this chapter may require. Such rate will be reviewed annually by the City Council 90 days after receipt of the previous fiscal year's audit.

(Ord. 123, passed 11-28-77; Am. Ord. 129, passed 4-26-79; Am. Ord. 130, passed 5-9-79; Am. Ord. 137, passed 1-23-80; Am. Ord. 166, passed 7-18-84; Am. Ord. 179, passed 7-2-86; Am. Ord. 197, passed 6-5-91; Am. Ord. 199, passed 10-2-91; Am. Ord. 206, passed 2-17-93; Am. Ord. 234, passed 8-19-98; Am. Ord. 239, passed 7-19-00; Am. Ord. 255, passed 6-21-03; Am. Ord. 270, passed 9-20-08; Am. Ord. 272, passed 6-17-09; Am. Ord. 282, passed 10-19-11; Am. Ord. 285, passed 4-17-13; Am. Ord. 286, passed 3-19-14; Am. Ord. 300, passed 12-20-17)

Cross-reference:

Additional sewer rates and charges, see §§ 54.23, 54.40 - 54.47

Adjustment for catastrophic use of water/sewage, § 54.28(D)

#### § 51.079 NO FREE SERVICE.

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 123, passed 11-28-77)

#### § 51.080 AUTHORITY OF CITY TREASURER TO RENDER BILLS.

It is hereby made the duty of the City Treasurer to render bills for sewer service and all other charges in connection therewith and to collect all monies due therefrom.

(Ord. 123, passed 11-28-77)

#### § 51.081 APPLICATION FOR SEWER SERVICE.

Applications for sewer service shall be filed with the City Clerk upon a form to be supplied by the city. The application shall state the name of the applicant and the premises served. All applications filed shall be accompanied by a connection fee of ~~\$300 per equivalent~~ which is to be set by City Council resolution, payable to the City Treasurer.

(Ord. 123, passed 11-28-77)

#### § 51.082 CONNECTION TO SEWAGE DISPOSAL SYSTEM WHEN AVAILABLE.

It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the city; that all premises on which structures in which sanitary sewage originates are situated shall connect to the sewage disposal system at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the city and therefore, all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the system shall be available shall connect to said system within 90 days after the mailing or posting of notice of such premises by the appropriate city officials that such services are available. Said notification and enforcement of this section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972.

(Ord. 123, passed 11-28-77)

#### ADMINISTRATION AND ENFORCEMENT

#### § 51.095 HEARING BOARD.

(A) A Hearing Board shall be appointed as needed for arbitration of differences between the ~~Superintendent~~DPW Director and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the ~~Superintendent~~DPW Director. The cost of the arbitration will be divided equally between the city and the sewer user.

(B) One member of the Board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large ~~for his~~with an interest in accomplishing the objectives of this chapter.

(Ord. 113, passed 7-23-75)

#### § 51.096 PERMIT REQUIRED FOR SEWERS.

(A) A permit shall be required for the construction and installation of private sewage disposal facilities. A private sewage disposal application for such permit shall be completed in accordance with §§ 51.020 through 51.025.

(B) A permit shall be required for the construction and installation of building sewers and connections. A residential or commercial building sewer application for such permit shall be completed in accordance with §§ 51.035 through 51.044.

(C) A permit shall be required for the construction and installation of industrial sewer connections. An industrial sewer connection application for such permit shall be completed in accordance with §§ 51.035 through 51.044.

(Ord. 113, passed 7-23-75) Penalty, see § 51.999

#### § 51.998 NOTICE OF VIOLATION, LIABILITY.

(A) Any person found to be violating any provision of this chapter except § 51.007 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 113, passed 7-23-75)

#### § 51.999 PENALTY.

Any person who shall continue any violation beyond the time limit provided for ~~in § 51.098 division (A)~~, in Chapter 52 shall be guilty of a ~~misdemeanor~~ civil infraction, and on conviction thereof shall be fined in the amount ~~not exceeding \$100 as set by City Council resolution~~ for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 113, passed 7-23-75)

### CHAPTER 52: WASTE COLLECTION

#### Section

#### General Provisions

52.01 Collection and delivery of solid waste to be in accordance with regulations of the Superior Solid Waste Authority

#### City Waste Collection

##### 52.10 Definitions

- 52.11 Acceptability of wastes
- 52.12 Authority of City Manager and Director of Public Works
- 52.13 Collection schedule
- 52.14 Refuse containers
- 52.15 Prohibitions
- 52.16 Charges for services

52.99 Penalty

## GENERAL PROVISIONS

### § 52.01 COLLECTION AND DELIVERY OF SOLID WASTE TO BE IN ACCORDANCE WITH REGULATIONS OF THE SUPERIOR SOLID WASTE AUTHORITY.

(A) Definitions. The following words and terms used in this section shall have the meanings assigned in this section, unless the context clearly indicates otherwise.

AUTHORITY. City of Hancock.

AUTHORITY-DESIGNATED LOCATION. Disposal site - a landfill, recycling or materials recovery facility, or other disposal or transfer facility as approved by the State of Michigan as the location for the disposal of any load or loads of waste generated by the city.

BOARD. The Board of Trustees of the Authority.

LOCAL UNIT. The City of Hancock, County of Houghton, Michigan.

SOLID WASTE. All garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, source-separated waste, and animal waste generated within, collected in or transported from the city; provided, however, that this definition shall not include hazardous waste as defined in Act No. 64 of the Public Acts of Michigan, 1979, as amended, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

SYSTEM. The solid waste management system, including landfill, recycling and materials recovery facilities on behalf of and for the benefit of the city.

TIPPING FEE. The fee based on volume or tonnage of solid waste to be charged to the city upon delivery of the solid waste to the city-designated location, as the same may be revised from time to time.

WASTE HAULER. Any individual, firm, corporation, partnership, trust, or public or private agency or any other entity engaged, in whole or in part, in the business of collecting, transporting, delivering, or disposing of solid waste generated in the city and shall include any individual, firm, corporation, partnership, trust, or public or private agency, collecting, transporting, delivering or disposing of solid waste which it generates.

(B) Necessity. It is hereby determined to be necessary for the public health and welfare to regulate the collection and delivery of solid waste in accordance to the provisions of this section.

(C) Delivery of solid waste and tipping fee. Each waste hauler under contract by the city shall deliver all solid waste collected in or transported from the city and pay the tipping fee for delivery of such solid waste at the designated location per the contract . No waste hauler under contract shall deliver solid waste collected in or transported from the city to any disposal site, transfer station or other location other than the city-designated location.

(D) Licenses required for waste haulers. It shall be unlawful for any waste hauler to operate within the city without having obtained a license to conduct such business. Such license shall be obtained by any person upon payment of a fee to be determined by resolution of the City Council. Licensed waste haulers are subject to any other restrictions or requirements imposed in accordance with applicable laws by the city and the State of Michigan.

(E) Remedies. Upon violation of any provision of this section, the city may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. In addition, a violation of any provision of this section shall be cause for suspension or revocation, at the sole option of the city, of a waste hauler's license issued pursuant to division (D) above or of a waste hauler's contract to pick-up and/or deliver solid waste on behalf of the city.

(Ord. 190, passed 5-2-90; Am. Ord. 215, passed 6-21-95)

## CITY WASTE COLLECTION

### § 52.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING MATERIALS - TYPE III.** Includes, but is not limited to: inert waste such as broken concrete, brick, masonry, pavement, uncontaminated soil, trees, stumps, rock and

other waste identified by statute, rule, or this subchapter and disposal of which is allowed in a Type III landfill.

**GARBAGE.** Includes, but is not limited to: rejected food waste, accumulation of animal, fruit, or vegetable matter used, or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable and any other waste identified by statute, rule or this subchapter and disposal of which is allowed in a Type II landfill.

**HOUSEHOLD HAZARDOUS WASTE.** Includes, but is not limited to: waste managed under Act 64, used motor oil, solvents, paint and paint strippers, gasoline, oven cleaners, drain openers, pesticides, thinners and any other household hazardous waste identified by statute, rule or this subchapter or is prohibited from disposal in a Type II or III landfill.

**INDUSTRIAL HAZARDOUS WASTE.** Includes, but is not limited to: buffing dust, wastewater, wastewater sludge, sludge, commercial chemical products and intermediates, leachate, silt residue, acids and other corrosives, and any other hazardous industrial waste identified by statute, rule or this subchapter or is prohibited from disposal in a Type II or III landfill.

**MEDICAL WASTE.** Hospital or medically related, which includes but is not limited to: cultures and stocks of infectious agents, including laboratory waste, biological production waste, discarded live attenuated vaccines, culture dishes, liquid human and animal waste, including stool and blood products and body fluids, but not including urine or materials stained with blood or body fluids, pathological waste, needles, syringes, scalpels and intravenous tubing with needles attached, contaminated waste from animals exposed to agents infectious to humans and any other medical waste identified by statute, rule or this subchapter or is not permitted to be disposed of in a Type II or III landfill.

**MUNICIPAL HOUSEHOLD WASTE. TYPE II,** including but not limited to: garbage and rubbish, excluding yard clippings and leaves, white goods, demolished building materials, vehicle parts, tires and any other waste identified by statute, rule, or this subchapter or is prohibited from disposal in a Type II landfill, also excluding any "special waste" identified by this subchapter.

**RUBBISH.** Non-decomposing waste, excluding ashes, consisting of both combustible and non-combustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, beddings, crockery and any other waste identified by statute, rule or this subchapter and disposal of which is allowed in a Type II landfill.

**SPECIAL WASTE.** Determined by the City Manager and Public Works Director, including but not limited to vehicle parts, white goods, vehicle batteries, tires, paint and liquid petroleum products.

**WASTE.** Any discarded materials that is not excluded by statute, rule, or this subchapter that is normally abandoned, disposed, burned or incinerated.

(Ord. 194, passed 5-1-91)



#### § 52.11 ACCEPTABILITY OF WASTE.

(A) Type II. Only that waste classified as Type II waste shall be acceptable for collection as part of the regular waste collection service.

(B) Type III. ~~Not accepted. Type III waste shall be acceptable only for a regularly scheduled special monthly bulk pick-up program. It shall not be included in the regular waste collection service.~~

(C) Medical waste. ~~Not accepted. Medical waste shall be acceptable when prepared for collection as prescribed by statute and only if permitted to be disposed of in a Type II landfill.~~

(D) Yard clippings, leaves. Must be contained in biodegradable bags approved by the City Council. Small branches up to four feet may be bundled and placed at the curb. Yard clippings and leaves shall be acceptable waste for a special/fall pick-up or dropped off at the designated area of the DPW garage facility. ~~They may be bagged or placed loose at the curb. When bagged, yard clippings and leaves must be contained in biodegradable bags approved by the City Council.~~

(Ord. 194, passed 5-1-91)

#### § 52.12 AUTHORITY OF CITY MANAGER AND DIRECTOR OF PUBLIC WORKS.

The City Manager and the Director of Public Works shall make such rules and policies, as necessary, to facilitate the efficient and effective collection and disposal of waste with the approval of the City Council.

(Ord. 194, passed 5-1-91)

#### § 52.13 COLLECTION SCHEDULE.

The City Manager and the Director of Public Works shall establish and maintain a schedule designating the days of collection and methods of collection of waste, and shall by appropriate means provide the residents of the city with information concerning the same.

(Ord. 194, passed 5-1-91)

#### § 52.14 REFUSE CONTAINERS.

(A) Anyone receiving waste collection services from the city shall provide for the storage of waste in bags with the designated city ~~stickers bags or dumpsters~~. Only waste placed in a bag with approved city ~~sticker bags or approved dumpsters~~ shall be picked up.

(B) Any commercial or residential stop served by the city having an average of seven or more bags per week, will be required to ~~use a purchase and use a city approved two-ten (2-10) cubic yard dumpster- provided by a vendor of their choice and shall be charged a monthly rate set by resolution of the City Council.~~

(C) Bags with designated city sticker shall be placed at the curb or as close to the street as possible to facilitate collection, not earlier than 24 hours before collection. The tops of bags shall be tightly secured. The weight of any one bag of waste shall not exceed 30 pounds.

(D) The owner or occupant of any property shall remove any refuse spilled on their property as a result of bag breakage or container spillage within 24 hours after spillage.

~~—(E) Biodegradable bags shall be the only acceptable containers for yard clippings and leaves.~~

(Ord. 194, passed 5-1-91; Am. Ord. 216, passed 6-21-95)

#### § 52.15 PROHIBITIONS.

It shall be a violation of this subchapter to allow, cause or permit to continue:

(A) Burning. The burning of waste in the city.

(B) Outside sources. The placement for collection of waste generated outside the city, or off the premises on which collection is made.

(C) Storage in open. The storage or accumulation of waste in the open beyond a period of seven days.

(D) Dumping. The dumping, depositing, placement, storing or scattering, throwing or leaving of waste on any public or private property, other than property of facilities legally designated for that purpose.

(E) Unacceptable waste. Placing for collection any waste designated as undesirable by the City Manager and the ~~Public Works Director~~ Director of Public Works, which in their opinion is not in the best interest of the city to collect. This shall include but shall not be limited to household hazardous waste, industrial hazardous waste, Type III waste for regular waste collection service, special waste, medical waste and any other waste that by statute requires special handling and/or disposal in a facility other than a Type II ~~or III~~ facility.

(Ord. 194, passed 5-1-91) Penalty, see § 52.99

#### § 52.16 CHARGES FOR SERVICES.

(A) Monthly fee.

(1) A monthly Ready to Serve charge (~~RIS~~RTS) shall be set by resolution of the City Council and be levied against each residential and business address/~~structure~~ in the city. Such ~~RIS~~RTS shall be included in the monthly utility bill and shall be due and payable monthly.

~~—(2) A monthly dumpster charge shall be set by resolution of the City Council for two ten (2-10) cubic yard sized dumpsters and shall be levied against each property owner receiving city dumpster collection service. All residential and commercial addresses that are required to use a dumpster will not be billed the RTS charge and will not receive city provided garbage & recycling services.~~

(B) Containers.

(1) ~~Garbage~~ City bags with designated city stickers shall be used as containers for residential or commercial users of less than seven bags per week, ~~and shall be of a distinctive color or marking for collection by the city personnel for the weekly pickup.~~ Any commercial or residential user in the city having an average of seven or more bags per week, will be required to use a dumpster provided by a vendor of their choice..

(2) ~~City bags~~ Designated city stickers shall be sold at a price set by ~~resolution of the~~ City Council resolution and shall be at convenient outlets designated by the city.

(Ord. 194, passed 5-1-91; Am. Ord. 200, passed 10-2-91; Am. Ord. 216, passed 6-21-95)

§ 52.99 PENALTY.

(A) Any person who shall violate a provision of § 52.01 shall be guilty of a misdemeanor, punishable by a fine not exceeding \$500, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate offense. (Ord. 190, passed 5-2-90)

(B) Failure to abate a violation of §§ 52.1~~10~~ through 52.16 as prescribed by the City Manager, ~~Public Works Director~~ Public Works Director, or Code Enforcement Officer shall result in abatement by the city, ~~the cost of which shall become a lien against the real property, the total of which shall be added to the taxes.~~ Any person violating any provision of §§ 52.1~~10~~ through 52.16 shall be guilty of a civil infraction. Fines not paid shall become a lien against the real property, the total of which shall be added to the taxes. ~~misdemeanor, punishable by a \$100 fine or 90 days in jail.~~ (Ord. 194, passed 5-1-91)

## ~~CHAPTER 53: WATER SUPPLY CROSS CONNECTION~~

### ~~Section~~

~~—53.01 Adoption of state water supply cross connection rules~~

~~—53.02 Inspection of possible cross connections~~

~~—53.03 Right of entry for inspection purposes~~

~~—53.04 Discontinuance of water service~~

~~—53.05 Labeling of water outlets~~

~~—53.06 Supplementary to state codes~~

~~—53.07 Device testing~~

~~-~~

~~—53.99 Penalty~~

#### ~~§ 53.01 ADOPTION OF STATE WATER SUPPLY CROSS CONNECTION RULES.~~

~~—The city adopts by reference the water supply cross connection rules of the Michigan Department of Public Health being R325.11401 to R325.11407 of the Michigan Administration Code; and each and all of the regulations, provisions, penalties, conditions and terms of the said water supply cross connection rules of the Michigan Department of Public Health are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter.~~

~~{Ord. 104, passed 1-10-73; Am. Ord. 290, passed 2-18-15}~~

#### ~~§ 53.02 INSPECTION OF POSSIBLE CROSS CONNECTIONS.~~

~~—It shall be the duty of the City Manager to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the City Manager and as approved by the Michigan Department of Public Health.~~

~~{Ord. 104, passed 1-10-73}~~

#### ~~§ 53.03 RIGHT OF ENTRY FOR INSPECTION PURPOSES.~~

~~—The representative of the city shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or 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 system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.~~

~~{Ord. 104, passed 1-10-73} Penalty, see § 53.99~~

~~§ 53.04 DISCONTINUANCE OF WATER SERVICE.~~

~~—The city is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this chapter.~~

~~{Ord. 104, passed 1-10-73}~~

~~§ 53.05 LABELING OF WATER OUTLETS.~~

~~—(A) 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 chapter and by the state and city plumbing code.~~

~~—(B) 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~~

~~{Ord. 104, passed 1-10-73} Penalty, see § 53.99~~

~~§ 53.06 SUPPLEMENTARY TO STATE CODES.~~

~~—This chapter does not supercede the state plumbing code and plumbing ordinance but is supplementary to them.~~

~~{Ord. 104, passed 1-10-73}~~

~~§ 53.07 DEVICE TESTING.~~

~~—All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted (by owners of devices) every three years and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the City of Hancock. Individual(s) performing assembly testing shall certify the results of his/her testing.~~

~~{Ord. 290, passed 2-18-15}~~

~~§ 53.99 PENALTY.~~

~~—Any person or customer found guilty of violating any of the provisions of this chapter, or any written order of the (name of inspection agency or name of water utility), in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this chapter.~~

(Ord. 104, passed 1-10-73; Ord. 314, passed 9-18-24)

## CHAPTER 54: WATER AND SEWER REGULATIONS

### Section

#### Combined Water Supply and Sewage Disposal System

54.01 Operation of water supply system and sewage disposal system as one combined system

54.02 Operation of system on public utility rate basis

54.03 Definitions

54.04 Supervision and control of system

54.05 No free service

54.06 Rates estimated to provide administration and operation of system

54.07 Operation on basis of calendar year

54.08 Revenues of the system; funds and accounts

54.09 Insufficient funds

54.10 Investments

#### Water and Sewer Service Regulations

54.20 Definitions

54.21 Water meters

54.22 Hydrant use

54.23 Limitation on use

54.24 Water and sewer charges

54.25 Supervision

54.26 Payment of billings

54.27 Features of water service

54.28 Separate water meter to measure water not flowing into sanitary sewer system; charges, reading and adjustment

#### Rates and Charges

54.40 Scope

54.41 Service charge

54.42 Meter charge in addition to service charge

54.43 Meter application fees

54.44 Meter repair and/or replacement charge

54.45 Water shut off and turn on

54.46 Charges for connections, disconnections and sealing off abandoned water and/or service lines

54.47 Remote-reader installation

#### Sewer and Water Connections

54.60 Compliance

54.61 Permitted dates; exception

54.62 Written application for authorization

54.63 Applications for approval for excavation

54.64 Permitted times

54.65 Performance bond

54.66 Reparation of damage; charge

54.67 Submission of plans for installation of new utilities or extensions

54.68 Continuous running of water restricted

54.69 Renewal or replacement of existing water services

54.99 Penalty

### COMBINED WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM

§ 54.01 OPERATION OF WATER SUPPLY SYSTEM AND SEWAGE DISPOSAL SYSTEM AS ONE COMBINED SYSTEM.

It is hereby determined to be necessary for the public health, benefit and welfare of the city, to operate the water supply system and the sewage disposal system of the city as one combined system, designated as the water supply and sewage disposal system of the city, under the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

(Ord. 78, passed - - )

§ 54.02 OPERATION OF SYSTEM ON PUBLIC UTILITY RATE BASIS.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the city to place the water supply system and the sewage disposal system of the city on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

(Ord. 78, passed - - )

§ 54.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REVENUES and NET REVENUES. Shall have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

SYSTEM. The complete water supply and sewage disposal system of the city.

WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM. Includes all wells, pumps, pump houses, water mains and laterals, water and sewer pumping stations, water storage and treatment facilities, sewers, sewage treatment plant and all attendant facilities and equipment which are used or useful in the operation and maintenance of the water supply and sewage disposal system, now in existence or hereafter acquired.

(Ord. 78, passed - - )

§ 54.04 SUPERVISION AND CONTROL OF SYSTEM.

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the City Council and administered as a regular department of the city government. The City Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system. The Council may make such rules, orders and regulations as it



deems advisable and necessary to assure the efficient management and operation of the system.

(Ord. 78, passed - - )

#### § 54.05 NO FREE SERVICE.

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 78, passed - - )

#### § 54.06 RATES ESTIMATED TO PROVIDE ADMINISTRATION AND OPERATION OF SYSTEM.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, to provide for the payment of the principal of and interest on all general obligation bonds of the city, issued for water or sewer purposes, as the same becomes due, and to provide for such other expenditures and funds for the system as this subchapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Ord. 78, passed - - )

#### § 54.07 OPERATION ON BASIS OF CALENDAR YEAR.

The system shall be operated on a basis of a calendar year commencing on January 1 and ending on the last day of December.

(Ord. 78, passed - - )

#### § 54.08 REVENUES OF THE SYSTEM; FUNDS AND ACCOUNTS.

(A) The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in the state, in an account to be designated Water Supply and Sewage Disposal System Receiving Fund (hereinafter referred to as the Receiving Fund), and those revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

(1) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside monthly into a depository account designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the system and such current expenses for the

maintenance thereof as may be necessary to preserve the same in good repair and working order.

(2) General Obligation Bond Debt Retirement Fund. There shall next be established and maintained a depository account to be designated General Obligation Bond Debt Retirement Fund which shall be used solely for the payment of principal and interest on the general obligation bonds of the city, issued for water and sewer purposes. There shall be deposited in this fund monthly such sum as the City Council shall determine which shall be used to pay principal and interest on those bonds.

(3) Replacement Fund & Improvement Fund. There shall next be established and maintained a depository account designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into the Fund, after provision has been made for the Operation and Maintenance Fund, such sums as the Council shall deem necessary for this purpose.

~~—(4) Improvement Fund. There shall next be established and maintained an~~ Improvement Fund will be for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into the fund, after providing for the foregoing funds, such sum as the City Council shall determine.

~~(5.4)~~ Surplus moneys. Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the City Council, be transferred to the Improvement Fund or used in connection with any other project of the city reasonably related to sewer purposes.

~~(6.5)~~ Bank accounts. All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the city within this single bank account in the manner above set forth.

(B) All funds derived from the collection of rates for services furnished by the system on hand in any account on the effective date of this subchapter shall, within 15 days thereof, be transferred to the Receiving Fund and be distributed therefrom in accordance with the terms of this subchapter.

(Ord. 78, passed - - )

#### § 54.09 INSUFFICIENT FUNDS.

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the system shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.

(Ord. 78, passed - - )

§ 54.10 INVESTMENTS.

Moneys in any fund or account established by the provisions of this subchapter may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Ord. 78, passed - - )

WATER AND SEWER SERVICE REGULATIONS

§ 54.20 DEFINITIONS.

For the purpose of this subchapter and §§ 54.40 through 54.47, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CUSTOMER.** The owner of the premises, except in the case of a land contract, in which case CUSTOMER shall mean the purchaser.

**DEPARTMENT.** The City Department of Public Works.

**DIRECTOR.** The Director of the Department.

**WATER CONNECTION.** That part of the water distribution system connecting the water with the premises served.

**WATER MAIN.** That part of the water distribution system located within the easement lines of streets designed to supply more than one water connection.

(Ord. 106, passed 4-11-73; Am. Ord. 159, passed 12-21-93)

§ 54.21 WATER METERS.

(A) All water furnished by the city to water customers shall be metered and paid for by such customers at the rates and charges provided for in §§ 54.40 through 54.47, except as otherwise provided in this subchapter.

(B) To establish a new or discontinued water service, the owner or [his-authorized](#) agent shall submit an application to the City Clerk's office. The application fee will be as provided in § 54.43.

(C) The city shall provide and install 5/8 3/4-inch meters at the city's expense, with an added charge to reflect the additional cost for larger size meters.

(D) No person except a city employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. All repairs and replacements of water meters at the request of the customers shall be done by the city with the only charge being an application fee for repair and/or replacement as provided in § 54.44, except any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam, shall be paid by the property owner to the city on presentation of a bill therefore. In cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the city.

(E) If any meter shall fail to register properly, the city shall estimate the consumption on the basis of previous billings. A customer may require that the meter be tested. If the meter is found accurate ~~a charge of \$20 will be made~~ the owner will be responsible for charges incurred by the City for such testing. If the meter is found defective, it shall be repaired or ~~an accurate meter installed- replaced and at~~ no charge shall be made to the owner. A meter shall be considered accurate if, when tested, it registers not to exceed 2% more or 2% less than the actual quantity of water passing through it. If a meter is fast or slow a bill adjustment will be made by the city pro rata.

(Ord. 106, passed 4-11-73; Am. Ord. 159, passed 12-21-93) Penalty, see § 54.99

#### § 54.22 HYDRANT USE.

No person except an employee of the city in the performance of ~~his authorized duties~~ authorized duties shall open or use any fire hydrant except in ease of emergency, without first securing written permission from the city and paying such charges as may be prescribed.

(Ord. 106, passed 4-11-73) Penalty, see § 54.99

#### § 54.23 LIMITATION ON USE.

The Mayor, subject to prior approval of the Council may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting. No such regulation, limitation or prohibition shall be effective until 24 hours after the publication thereof in a newspaper of general circulation in the city.

(Ord. 106, passed 4-11-73; Am. Ord. 159, passed 12-21-93) Penalty, see § 54.99

#### § 54.24 WATER AND SEWER CHARGES.

A combined water and sewer rate schedule shall be determined by the City Council resolution and may be on an inflationary basis, the current schedule along with other special authorized charges shall be listed in the §§ 54.40 through 54.47 hereto as part of this subchapter and available at the City Offices. The established rates shall produce revenues sufficient to cover administrative and operating expenses of the system, maintain facilities in a state of good repair and working order and, also, sufficient to meet the required payments for interest and principal on any bonded indebtedness that is a liability of the system.

(Ord. 106, passed 4-11-73)

Cross-reference:

Sewer use charges, see § 51.078

#### § 54.25 SUPERVISION.

The operation, maintenance and management of the System shall be under the supervision and control of the Director of Public Works operating under rules, orders and regulations which the City Manager, with Council approval, may establish for the efficient management and operation of the System.

(Ord. 106, passed 4-11-73)

#### § 54.26 PAYMENT OF BILLINGS.

Billings for water and sewer services shall be paid within 20 days from the date of the postmarked date of billing on the 10<sup>th</sup> of each month. W, when the 10<sup>th</sup> falls on a Saturday, Sunday or City-recognized holiday, the payment will be due on the next business day. and And if not so paid an additional 5% of the amount of the bill shall be added thereto. If the delinquency extends to 50 days from the date of the billing then the City Clerk to 30 days after the payment due date, the City Clerk or Treasurer shall serve notice by ordinary mail that if the amount owed is not paid within 20-10 days from receipt of the letter the postmark, the water service will be discontinued until payment is made in full, including a charge, as indicated in § 54.45 for shutting off and turning on the water service, which under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the city shall annually, on March 1, certify all unpaid charges for such services furnished to any premises, which, on the last day of February preceding, have remained unpaid for a period of six months, Any account that is delinquent for 6 months, the entire delinquent balance will be forwarded to the City Assessor who shall will place the same delinquent amount on the next tax roll of the city. Amounts due are made a lien under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien. Such charges so assessed shall be collected in the same manner as general city

taxes. In addition, the city may, at its discretion, require an advance deposit as a protection against possible future delinquencies in an amount not to exceed a reasonable estimate of the two largest consecutive billings. The deposit shall be refunded without interest when the service is discontinued by the depositor, or sooner if decided the deposit is no longer required.

(Ord. 106, passed 4-11-73; Am. Ord. 159, passed 12-21-93)

#### § 54.27 FEATURES OF WATER SERVICE.

The city shall strive to maintain a continuous and adequate supply of water and shall whenever possible, for any discontinuance thereof, give a 24-hour notice beforehand. Other service features are as follows:

(A) Responsibilities of the Department:

(1) The Department has the exclusive authority to turn on, or off, the water service except that a licensed plumber under terms of a written order from the Department may for purpose of testing be so authorized.

(2) On written permission by the Department, water may be turned on for construction purposes, before granting a certificate of occupancy, which usage shall be paid for on the basis of established schedules, but no other interference with the city water supply other than normal usage is allowed.

(3) The city shall, at the owner's expense, provide the water connection from the main to the property line including a cutoff installation. Wherever practicable a separate line for each facility shall be installed at a depth sufficient to protect against freezing. The fee charged is as listed in §§ 54.40 through 54.46.

(4) ~~Five-eighths~~~~Three-quarter-s~~ inch meters shall be installed at city expense, with an added charge for larger sized, but such installation may be withheld should the owner fail to comply with the provisions of this chapter.

(5) Billings and other communications to the customer shall be directed to ~~the his~~ ~~recorded~~ address on record and the appropriate city office should be notified of any changes thereto. Otherwise the customer shall be responsible for any failure of delivery.

(6) The City Council may make special terms and conditions for use of water for public purposes.

(7) The city disclaims responsibility, not occasioned by undue negligence, for any personal loss sustained by failure of the system except that customers may be credited for expense resulting from faucet flow as a protection against freezing when the city acknowledges the hazard as its own responsibility.

(B) Obligations of the owner shall include:

(1) Extension at his-owner's expense of the service facility from the property line to the premises at a depth, wherever practicable, sufficient to protect against freezing.

(2) Provide for a break to accommodate a meter installation in a manner and location approved by the Director or his-authorized agent.

(3) Provide for a cut off on either side of the meter and, also, a check valve where such is necessary to protect against damage to the meter or the system or against contamination of the water supply.

(4) Maintain his-owner's portion of the service installation in a manner that will protect the city against any leakage losses within 30 days.

(5) Refrain from connecting to or mixing with an alternate water supply or make an extension to another use that should be separately metered.

(6) Conformance with the ordinance regulating cross connections (see Chapter 53).

(Ord. 106, passed 4-11-73)

#### § 54.28 SEPARATE WATER METER TO MEASURE WATER NOT FLOWING INTO SANITARY SEWER SYSTEM; CHARGES, READING AND ADJUSTMENT.

(A) The city will provide separate water meters for customers who desire a supply of water that will not be discharged into the sanitary sewer system. This includes lawn and garden sprinkling, industrial use, commercial bottling of beverages and ice rinks.

(B) The city will charge the customers for the full cost of the meter and fittings to be paid in advance. The customers shall be responsible for the maintenance and repair of the meters.

(C) The lawn and garden meters shall be read in May and October annually and credited ~~to the~~ on the next November-billing cycle. Meters using over 100,000 gallons shall be read with the quarterly bill and credited quarterly.

(D) Water and/or sewage bills can be adjusted for catastrophic water use with the following criteria:

(1) The customer requesting the adjustment must have a written request, and to be eligible the amount of water used must be at least three times the monthly water used by the customer averaged over the most recent 12-month period. The customer must verify that the leak or water use event has been resolved. The adjustment is limited to a one-month period and only to one adjustment per dwelling unit is allowed during a ten-year period.

(2) The customer will be charged the current established rate for water and sewer on the newly revised (average) monthly bill times three. The remaining gallons exceeding the revised bill will be calculated at the city wholesale water and sewer rate established annually by the City Council.

(3) This adjustment does not apply to winter let runs, which is covered by a council policy and the city can make adjustments for, meter reading errors by the city, water quality let runs deemed necessary by the city, or where sewer use is verified not to have occurred.

(Ord. 174, passed 5-7-86; Am. Ord. 257, passed 11-20-04)

## RATES AND CHARGES

### § 54.40 SCOPE.

The following shall comprise the several water supply and sewage disposal service charges as determined by the City Council and shall so remain until changed in whole or in part by ~~city ordinance~~ City Council resolution.

(Ord. 106, passed 4-11-73)

### § 54.41 SERVICE CHARGE.

(A) For each month of the fiscal year, a service charge shall be assessed and shall be related to the size of the water ~~meter~~ meter and shall be set by City Council resolution. Until a resolution as been passed by the City Council, the service charge assessed shall be as indicated below:

Meters (Inches)	Fee (\$)
<del>5/8</del>	<del>.50</del>
3/4	.75
1	1.50
1-1/4	2.50
1-1/2	3.00
2	6.00
<del>3</del>	<del>22.00</del>
4	22.00
<del>6</del>	<del>86.00</del>
8	86.00



(B) The service charge is without regard to usage, as long as a meter or water connection exists in or upon the premises of the customer. This charge shall be the same for all customers including those located outside of the city limits.

(Ord. 106, passed 4-11-73; Am. Ord. 198, passed 10-2-91)

#### § 54.42 METER CHARGE IN ADDITION TO SERVICE CHARGE.

(A) For uses per meter reading within the city limits.

(1) ~~The City shall set the water rate by resolution. -Until a resolution has been executed, The the~~ water rate shall be \$9.05 per 1,000 gallons of metered water. ~~However and, the minimum bill shall be \$9.05 per month for 1,000 gallons at the current rate. Bills will be estimated the first and second months and based on meter readings for the third monthly billing.~~

(2) ~~This rate increase will commence with the October 18, 2019 utility billing. The City Council may establish rates on an inflationary basis.~~

(3) The Council has deemed it necessary to charge a ~~flat water~~ flat-water debt fee on the utility bill based on meter size. This charge is to be ~~determined~~ set by City Council resolution.

(B) Charges outside of the city limits:

(1) All meter charges for customers using city water only shall have a multiplier of 1.5.

(2) All meter charges for customers using city water and city sewer shall have a multiplier of 1.5.

(Ord. 106, passed 4-11-73; Am. Ord. 125, passed 3-1-78; Am. Ord. 132, passed 7-6-79; Am. Ord. 148, passed 12-28-81; Am. Ord. 178, passed 7-2-86; Am. Ord. 196, passed 6-5-91; Am. Ord. 198, passed 10-2-91; Am. Ord. 221, passed 3-5-97; Am. Ord. 223, passed 4-2-97; Am. Ord. 233, passed 8-19-98; Am. Ord. 238, passed 7-19-00; Am. Ord. 244, passed 1-17-01; Am. Ord. 267, passed 6-20-07; Am. Ord. 273, passed 2-17-10; Am. Ord. 291, passed 9-23-15; Am. Ord. 305, passed 9-18-19)

#### § 54.43 METER APPLICATION FEES.

There shall be a ~~\$20 meter application~~ fee set by City Council resolution for each new or re-established water service.

(Ord. 106, passed 4-11-73; Am. Ord. 159, passed 12-21-83)

#### § 54.44 METER REPAIR AND/OR REPLACEMENT CHARGE.

~~No charge for each repair and/or replacement that is done at the customer's request and determined to be not the fault of the~~ There will be no charge for repair/replacement of a faulty meter. The charge to repair and/or replacement of a water meter due to customer use is at the current market cost.

(Ord. 106, passed 4-11-73)

#### § 54.45 WATER SHUT OFF AND TURN ON.

(A) There shall be no charge for routine temporary shut off request for maintenance purposes on the premises.

(B) The turn-on and turn-off fee for water services will be ~~raised to \$60 for turn-on and \$60 for turn-off.~~ set by City Council resolution.

(Ord. 106, passed 4-11-73; Am. Ord. 128, passed 2-14-79; Am. Ord. 159, passed 12-21-93; Am. Ord. 273, passed 2-17-10)

#### § 54.46 CHARGES FOR CONNECTIONS, DISCONNECTIONS AND SEALING OFF ABANDONED WATER AND/OR SERVICE LINES.

(A) ~~\$300 for standard~~ Water and Sewer tap fess will be set by City Council resolution. A standard 3/4-inch water connection from the main to the property line, not to exceed 60 feet. When applicable, clean-out structure will be at the owner's expense.

~~,and including shut off's and box.~~

(B) ~~\$325 for a~~ The fee for a standard four-inch sewer tap ~~only (the customer is responsible for installation and maintenance of sewer connection from the premises served to the main sewer line)~~ from the main to the property line, not to exceed 60 feet will be set by City Council Resolution. When applicable, clean-out structure will be at the owner's expense.

(C) For distances greater than 60 feet ~~as indicated in division (F)(1) of this section~~, the fee shall be on a city cost plus overhead basis.

(D) For service sizes greater than listed above the charge shall be set by City Council Resolution. as follows:

~~—(1) One inch water service, \$325.~~

~~—(2) Two inch water service, \$400.~~

~~—(3) Four inch water service or greater shall be done by an independent contractor entirely at the customer's expense; the right to tap fee shall be \$300.~~

~~—(4) Six inch sewer tap, \$600.~~

~~—(5) Eight-inch sewer tap, \$900.~~

~~—(6) Twelve-inch sewer tap, \$1500.~~

(E) For the abandonment of a 3/4-inch or one-inch water service, ~~the sum of \$75~~the fee shall be set by City Council resolution; for the abandonment of a two-inch, four-inch or six-inch water service, ~~the sum of \$75 plus~~ the actual cost to the city of materials and labor to terminate the water service at the water main and to plug the sewer line in accordance with the specifications of the city.

(Ord. 106, passed 4-11-73)

#### § 54.47 REMOTE-READER INSTALLATION.

~~The meter application fee of \$10 shall apply when a customer requests installation of a remote-reader type meter.~~ There shall be no charge when a remote-reader is installed by the city during routine modernization of the system.

(Ord. 106, passed 4-11-73)

#### SEWER AND WATER CONNECTIONS

#### § 54.60 COMPLIANCE.

No individual, firm or corporation shall excavate, dig, open, break or make connections to the existing or to be hereafter constructed sewer or water lines or mains of the city located in the streets, alleys, rights-of-way or easements of the city without first completely and expressly complying with the terms and conditions of this subchapter.

(Ord. 87, passed - - ) Penalty, see § 54.99

#### § 54.61 PERMITTED DATES; EXCEPTION.

No breaking of water mains, tapping of water mains, water connections nor excavation for completion or performance of the same shall be permitted within the city, nor shall any excavation be made within a distance of six feet in any direction in, around or near any existing main water distribution lines from and between December 1 of each year and April 1 of each succeeding year except in instances of extreme emergency. For purposes of determining extreme emergency as herein before immediately mentioned the determination and decision of the City Manager and the ~~Superintendent~~DPW Director of Water acting jointly shall be controlling.

(Ord. 87, passed - - ) Penalty, see § 54.99

§ 54.62 WRITTEN APPLICATION FOR AUTHORIZATION.

No excavations, construction, tapping or connections shall be made in, around, near or attached to the main sewer or water distribution lines of the city by any individual, firm or corporation without first making a written application for the same to the City Clerk no less than 24 hours prior to the desired time of the commencement of the excavation, construction, tapping or connection and obtaining a written authorization from the City Manager.

(Ord. 87, passed - - ) Penalty, see § 54.99

§ 54.63 APPLICATIONS FOR APPROVAL FOR EXCAVATION.

Applications for approval for excavations, construction, tapping or connection to the main sewer and water distribution lines shall be submitted upon forms available in the office of the City Clerk. Location of all existing facilities in the area designated will be provided by the City Manager or the ~~Superintendent~~DPW Director of Water.

(Ord. 87, passed - - )

§ 54.64 PERMITTED TIMES.

All approved excavations, construction, tapping or connections shall be performed only between the hours of 7:00 a.m. and 3:30 p.m. local time Monday through Friday and 7:00 a.m. and 12:00 p.m. noon on Saturday of each week, excluding legal holidays that occur during those times and days herein stated.

(Ord. 87, passed - - )

§ 54.65 PERFORMANCE BOND.

All contractors engaging in excavation and underground construction in, around or near any main sewer or water distribution lines of the city, shall file with the City Clerk a performance bond in the sum of not less than \$5,000 and shall provide the city with annual renewals thereon.

(Ord. 87, passed - - )

§ 54.66 REPARATION OF DAMAGE; CHARGE.

Any damage incurred to the main sewer or water distribution lines of the city as a result of any approved performance as herein provided shall be repaired and charged to the applicant for such approved performance at the rate of \$200 minimum per occurrence.

(Ord. 87, passed - - )

#### § 54.67 SUBMISSION OF PLANS FOR INSTALLATION OF NEW UTILITIES OR EXTENSIONS.

All plans for the installation of new utilities or extension of existing facilities by an individual, firm or corporation shall be submitted to the City Manager for approval. All plans so submitted shall specify the size, depth from surface, location and direction from property line, valve locations and all other necessary descriptions. No construction under such plans shall be commenced without prior written approval by the City Manager and the ~~Superintendent~~DPW Director of Water.

(Ord. 87, passed - - ) Penalty, see § 54.99

#### § 54.68 CONTINUOUS RUNNING OF WATER RESTRICTED.

No person, firm or corporation shall be permitted to allow water to run continuously from taps to prevent the freezing of those lines unless such existing city-owned lines shall be of such a shallow depth as to be subject to freezing during adverse extreme weather conditions. Such permission shall only be granted in writing by the City Manager and the ~~Superintendent~~DPW Director of Water with the signature of each officer affixed thereto.

(Ord. 87, passed - - ) Penalty, see § 54.99

#### § 54.69 RENEWAL OR REPLACEMENT OF EXISTING WATER SERVICES.

There shall be no renewal or replacement of existing water services unless and until a permit for said renewal or replacement shall first have been applied for and issued in accordance with the provisions of this subchapter by the owner thereof, and the fees paid therefor. The city shall not be required to renew or replace such existing services from the main to the property line unless and until the owner of those premises shall have renewed or replaced the services from the water meter on those premises to the property line.

~~Where the city does renew or replace the services from the main to the property line, in accordance herewith, the owner of the premises shall pay the cost of materials used and installed by the city from the main to the property line.~~

(Ord. 96, passed 2-17-71) Penalty, see § 54.99

#### § 54.99 PENALTY.

|

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99.

(B) Any person violating such rule or regulation of § 54.22 shall, upon conviction thereof, be punished by a fine of not more than \$100, together with the costs of prosecution. (Ord. 106, passed 4-11-73)

DRAFT