

CODIFIED ORDINANCES OF CASEVILLE

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CODIFIED ORDINANCES OF CASEVILLE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas
 Chap. 1020. Sidewalks, Curbs and Gutters.
 Chap. 1022. Streets.

CHAPTER 1020
 Sidewalks, Curbs and Gutters

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| 1020.01 Construction specifications; permit. | 1020.04 Resolution and notice to construct, repair or relay. |
| 1020.02 Costs of construction; assessments. | 1020.05 Special assessments. |
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CROSS REFERENCES

Governmental liability for negligence - see M.C.L.A. Secs. 691.1401 et seq.
 Motorized scooter use on sidewalks - see TRAF. Ch. 431
 Riding horses on sidewalks - see GEN. OFF. 606.07
 Peddling from vehicles on sidewalks - see B.R. & T. 856.08
 Sales from sidewalks - see B.R. & T. 856.10

1020.01 CONSTRUCTION SPECIFICATIONS; PERMIT.

All sidewalks, curbs and gutters hereafter to be constructed, rebuilt, repaired and maintained in the City shall be constructed of cement or so-called artificial stone and shall be not less than five feet in width in business and residential districts. The slab shall be not less than four inches in thickness, increased to not less than six inches for driveways.

All public walks in the City shall be constructed in accordance with plans and specifications furnished by Council. All such sidewalks, curbs, gutters and driveway approaches shall be constructed under the direct supervision of the Street

Administrator or by an approved private contractor, upon obtaining a permit from the City Office before starting construction. The fee for such permit shall be established by Council. Such construction shall be pursuant to specifications set forth by the City Engineer or Council and shall be subject to the approval of the Street Administrator. (Ord. Unno. Passed 3-16-98.)

1020.02 COSTS OF CONSTRUCTION; ASSESSMENTS.

(a) All cement sidewalks, curbs and gutters constructed, relaid or repaired under the direction of Council shall be paid for out of funds set aside for such purpose by Council.

The property owners whose property abut such sidewalks, curbs and gutters shall be assessed not less than fifty percent of the cost of such construction, relaying or repairing according to the discretion of Council. In any case where a sidewalk is damaged through acts of negligence of the abutting property owner, the full cost of construction or repair shall be levied against such abutting property owner, after due notice has been served upon such property owner as provided for in this chapter, clearly indicating his or her responsibility as to the cost of such repair. (Ord. 90-3. Passed 9-10-90.)

(b) In instances where a grant is available from Federal, State and/or local units of government or other funding for the construction of sidewalks, curbs and/or gutters, the Council may determine that abutting property owners will not be assessed the minimum fifty percent assessment as set forth in subsection (a) hereof. In no instance, however, shall the City be required to apply for grants for the construction of sidewalks, curbs and/or gutters. Such determination shall be within the sole discretion of the Council. (Res. 93-113. Passed 12-20-93; Ord. 2011-01. Passed 5-9-11.)

1020.03 CURB CUTS.

(a) No person shall make any opening in or through any curb of any street without first obtaining a permit therefor as provided for in Section 1020.01.

(b) All cuts shall be of a size and location as set forth in accordance with plans and specifications approved by Council.

1020.04 RESOLUTION AND NOTICE TO CONSTRUCT, REPAIR OR RELAY.

(a) Whenever Council deems that the construction, repair or relaying of sidewalks, curbs and gutters is necessary, it shall so declare by resolution that such sidewalks, curbs and gutters be constructed, relaid or repaired and shall describe the lots or premises abutting upon the sidewalks, curbs and gutters so required to be constructed, relaid or repaired. The City Clerk or the Street Administrator, according to the discretion of Council, shall serve a copy of such resolution upon the owners of such lots or premises by personal service. If such personal service cannot be

made, then service shall be made by regular United States mail addressed to the taxpayer's last known address according to the tax roll, together with a twenty-day notice certified by the Village Clerk that such sidewalks, curbs and gutters will be constructed, relaid or repaired with an assessment levied upon the abutting property of not less than fifty percent of the cost of such construction, all in accordance with this chapter and specifications that may be adopted by Council, unless a grant for the construction of the project has been obtained and a resolution passed by Council exempting the abutting property owners from the minimum fifty percent assessment, as set forth in Section 1020.02(b). Such service may be made on the occupants of such premises described. If there is no occupancy and the owners are unknown, then service may be made by posting a copy of such resolution and notice upon the lots or premises. The twenty-day notice shall date from the time of such posting, mailing or personal service.

(b) The Village Clerk or the Street Administrator, as designated by Council, shall make and cause to be filed in the office of the Village Clerk a detailed return showing how, in what manner and on whom he or she has served copies of the resolution and notice, including the day and date when such resolution and notice was served. A copy of such return shall be posted in a conspicuous place in the office of the Village Clerk. Such return shall be made as soon thereafter as is reasonably possible, but not later than ten days after such service of notice was completed.
(Ord. 90-3. Passed 9-10-90; Res. 93-113. Passed 12-20-93.)

1020.05 SPECIAL ASSESSMENTS.

(a) Such special assessment roll shall be endorsed by the Village Clerk showing the date of confirmation, and after the adoption of the resolution, it shall be final and conclusive and shall constitute, be and remain a lien upon the respective lots and premises so described until paid. Such special assessment shall be a debt and a personal charge against the owner of such premises until paid, including interest and penalties, in the same manner as provided in the statutes of the State for the collection of special improvement taxes.

(b) The Village Clerk shall have the warrant attached to the assessment roll directed to the Village Treasurer, and shall have the roll delivered to him or her. Such proceedings shall be had for the enforcement and collection of such special assessment as may be had in the collection of taxes levied for general purposes in the Village as provided by the statutes of the State.

1020.06 SNOW REMOVAL FROM SIDEWALKS.

The owner or occupant of any lot or parcel shall be responsible for the removal of snow and ice from any sidewalk located adjacent and in front of such lot or parcel.
(Ord. 2008-05. Passed 7-14-08.)

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1022
Streets

1022.01 Street lighting on private streets.

CROSS REFERENCES

Excavations generally - see M.C.L.A. Secs. 554.251 et seq.

Street Administrator - see ADM. Ch. 246

Motorized scooter operation on streets - TRAF. Ch. 431

Obstructions and special uses of streets - see TRAF. Ch. 460

Sidewalks, curbs and gutters - see S.U. & P.S. Ch. 1020

Zoning of street and alleys - see P. & Z. 1286.01

Required frontage of streets - see P. & Z. 1286.09

1022.01 STREET LIGHTING ON PRIVATE STREETS.

Except for street lights on Rastique Drive, no street lights shall be paid for by the Village on private streets.

(Res. 95-97. Passed 8-14-95.)

TITLE FOUR - Utilities

Chap. 1040. Water Generally.

Chap. 1042. Water Supply Cross Connections.

Chap. 1044. Water Rates and Charges.

Chap. 1046. Sewer and Water Connections.

Chap. 1048. Wastewater Collection and Treatment.

Chap. 1050. Utilities Generally.

CHAPTER 1040

Water Generally

EDITOR'S NOTE: Resolution 97-90, passed September 8, 1997, authorized the Village to join with the Township of Caseville in the incorporation of a Joint Municipal Water Authority, designated the Caseville Water Authority, for the purpose of acquiring, owning, improving, enlarging, extending and operating water system improvements and a water supply system. Resolution 97-91, passed September 8, 1997, approved the Caseville Water Authority's Articles of Incorporation. Resolution 98-97, passed August 10, 1998, approved amendments to the Articles of Incorporation. Resolution 99-17, passed February 10, 1999, dissolved the Caseville Water Authority. Copies of these resolutions may be obtained, at cost, from the Village Clerk.

The Village enters into agreements from time to time for the sale of water to other municipalities. Copies of the latest relevant legislation may be obtained, at cost, from the Village Clerk.

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| 1040.01 Purpose; authority; findings; determinations. | 1040.09 Investments. |
| 1040.02 Construction of extensions and improvements. | 1040.10 Sale of bonds. |
| 1040.03 Applications for extensions. | 1040.11 Disposition of unexpended balances. |
| 1040.04 Tap-ins; permit required; time for making installation; copper service lines. | 1040.12 Obligations of Village re bonds. |
| 1040.05 Management of system by Council. | 1040.13 Issuance of additional bonds. |
| 1040.06 Fiscal year. | 1040.14 Disposition of accrued interest. |
| 1040.07 Revenues; funds. | 1040.15 Form of bonds. |
| 1040.08 Transfer of funds. | 1040.16 Meters. |
| | 1040.17 Installation of second meters. |
| | 1040.18 Water emergencies. |
| | 1040.99 Penalty. |

CROSS REFERENCES

Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water traffic control - see GEN. OFF. 666.01(24), S.U. & P.S. 1062.03

Water pollution - see GEN. OFF. 678.04, 678.07
Water supply cross connections - see S.U. & P.S. Ch. 1042
Water rates and charges - see S.U. & P.S. Ch. 1044
Sewer and water connections - see S.U. & P.S. Ch. 1046
Payment for repairs needed because of alteration or covering
of access to water or sewer service - see S.U. & P.S. 1050.02

1040.01 PURPOSE; AUTHORITY; FINDINGS; DETERMINATIONS.

Council hereby makes the following statement of purpose and legislative findings and determinations:

(a) The purpose of this chapter is to establish and/or re-establish a water system to supply and regulate the use of potable water, to provide for the financing of the costs of improvements, enlargements, extensions and replacements of the water supply system, to establish the rates and charges for users of the water supply system, to provide for the rules and regulations regarding the use of the water supply system, and to provide penalties and enforcement means for violations thereof.

(b) By establishing and regulating the water supply, the Village is exercising the authority granted to the Village by Public Act 94 of 1933, as amended; Public Act 278 of 1909, as amended (Home Rule Village Act); and Article 7, Section 24, of the 1963 Michigan Constitution.

(c) The Village has previously found, and currently reaffirms, that the businesses, industries, governmental and charitable agencies and residents located in the Village need to have potable water for the protection of the public health, safety and welfare.

(d) The Village further has previously found, and currently reaffirms, that the supply of potable water available from private wells within the Village is insufficient to assure that all businesses, industries, governmental and charitable agencies and residents will not have sufficient potable water available for their use unless the Village offers water to all properties located within the Village.

- (e) Based on the advice of its consultants, the Village has previously found, and currently reaffirms, that the most precise method of measuring for use of the water supply system by any user is by a meter installed and controlled by the Village.
- (f) The Village has previously found, and, further, currently reaffirms, that in order to provide and continue to provide clean potable water to all users of the water supply system, in quantities necessary for all varieties of use, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the system.
- (g) The Village has previously found, and, further, currently reaffirms, that the rates, fees and charges established in these Codified Ordinances represent a reasonable relationship between the amount of the rate, fee and charge and the cost or value of the service or benefit conferred.

(Ord. 2000-4. Passed 3-20-00.)

1040.02 CONSTRUCTION OF EXTENSIONS AND IMPROVEMENTS.

Extensions of and improvements to the present water supply and distribution system shall be constructed when the same become necessary or proper, in the judgement of Council. The cost of all improvements to, and extensions of, the water supply system shall be at the expense of the person or properties benefitting from the improvements or extensions, reasonably proportioned to the benefits received, or at the expense of the General Fund of the Village.

(Ord. 2000-4. Passed 3-20-00.)

1040.03 APPLICATIONS FOR EXTENSIONS.

Whenever any property owner desires that the water system be extended to serve property owned by him or her, he or she shall make a written application therefor to Council, and in such application shall state the planned location thereof and the extent of the need for such extension. All such applications shall be approved, modified or rejected by Council within a reasonable time and as Council deems necessary or proper. No extension shall be constructed until the applicant has paid into the Village treasury the cost of all construction on the basis of the benefits to be received. (Ord. 301. Passed 4-4-49; Ord. 303. Passed 4-14-69.)

1040.04 TAP-INS; PERMIT REQUIRED; TIME FOR MAKING INSTALLATION; COPPER SERVICE LINES.

(a) Property owners of premises located between the present water system and the area serviced by an extension may tap on or make use of the extended water system by first paying to the Village Clerk a sum equal to the proportionate share of the total cost of such extension, as determined by Council, after obtaining a tap-in permit from the City.

(b) No person shall make any tap-in or use the present water system or any extension thereof without first obtaining a permit therefor from the City.

(c) Taps shall be installed on or before the occupancy permit is issued, or on or before 180 days after the issuance of the tap-in permit. A temporary extension may be authorized by DPW Supervisor.

(d) The water supply from the curb-stop to the meter shall be made with soft copper service lines, or other service line materials approved by the DPW Supervisor. No soldering shall be permitted. Flared or compression-type fittings are to be used, with inspections to be made at the time of installation or repair.

(e) All new water services or repairs to existing water services shall have a shut-off valve before the meter located inside the building.
(Ord. Unno. Passed 4-12-99; Ord. 2016-11. Passed 12-12-16; Ord. 2023-3. Passed 3-13-23.)

1040.05 MANAGEMENT OF SYSTEM BY COUNCIL.

(a) The construction, alteration, repair and management of the water supply and distribution system, including the acquisition and construction thereof, shall be under the immediate supervision and control of Council.

(b) No owner or occupant shall build, construct or take any other action that will deny the Village access to the water and/or sewer right-of-way on his or her property. Any building, fence, shrub, tree, plant or other obstacle hindering the Village's access to the water and/or sewer right-of-way shall be removed at the expense of the owner or occupant, and the owner or occupant shall be liable to the Village for the cost of removal of the obstacle at a rate and amount to be set by Council.

(c) Council may make such rules and regulations governing the operation of the system and the collection of the service rates as it deems necessary for the efficient and proper management of the system. (Res. 96-66. Passed 6-10-96.)

1040.06 FISCAL YEAR.

The water supply and distribution system of the Village shall be operated on the basis of an operating or fiscal year commencing March 1 and ending February 28 or February 29.

1040.07 REVENUES; FUNDS.

The revenues of the water supply and distribution system are hereby ordered to be set aside, as collected, and deposited in a bank duly qualified to do business in the State, in an account to be designated the Water Supply System Receiving Fund. Such revenues so deposited are pledged for the purposes of the following funds and shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified:

(a) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund, there shall first be set aside, quarterly, beginning with the first quarter of operation, into a separate depository account designated the Operation and Maintenance Fund, a sum sufficient to provide for the payment, for the next quarterly period, of the current expenses of the 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.

(b) Bond and Interest Redemption Fund. There shall next be established and maintained a separate depository account known as the Bond and Interest Redemption Fund which shall be used solely for the purpose of paying the principal of and interest on the bonds hereby authorized. Such Bond and Interest Redemption Fund shall be maintained as a separate depository account in the bank or trust company where the bonds are made payable.

Out of the revenues remaining in the Receiving Fund, after provision has been made for expenses of operation and maintenance of the system, there shall next be set aside, quarterly, in the Bond and Interest Redemption Fund, a sum sufficient to provide for the payment of the principal of and interest upon all outstanding bonds payable from the revenues of the system, as and when the same become due and payable. The amount so set aside for each quarter, commencing July 1, 1950, shall be not less than one-half of the total amount of interest next maturing on the bonds herein authorized. The amount set aside for principal each quarter commencing January 1, 1952, shall be not less than one-fourth of the amount of principal of the bonds next maturing.

There is hereby established in the Bond and Interest Redemption Fund a separate account, to be known as the Reserve Account, into which there shall be paid quarterly all of the revenues of the system after provision has been made for the Operation and Maintenance Fund and the Bond and Interest Redemption Fund, until such time as there has been accumulated in such Reserve Account the sum of five thousand dollars (\$5,000), which amount shall be accumulated not later than the close of the fiscal year commencing January 1, 1952. When such Reserve Account has been established in full, no further payments need to be transferred to such Account, except as hereinafter required to restore any subsequent deficiency therein. The Reserve Account shall be used solely for the payment of the principal and interest on such bonds as to which there would otherwise be default.

If, at any time, it is necessary to use moneys in the Reserve Account for such payment, then the moneys so used shall be replaced from the net revenues first received thereafter which are not required by this chapter to be used for operation and maintenance or for current principal and interest requirements. However, such Reserve Account shall not be regarded as moneys otherwise appropriated or pledged for the purpose of determining the sufficiency of funds available for the redemption of callable bonds.

No further payment need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in such Fund (including the Reserve Account) is equal to the entire amount of principal and interest which shall be payable at the time of maturity of all the bonds then remaining outstanding.

(c) Improvement Fund. Any revenues remaining in the Receiving Fund at the end of any operating year, after satisfying the requirements set forth in subsections (a) and (b) hereof, shall be deemed to be surplus and may, in the discretion of Council, be either transferred to the Bond and

Interest Redemption Fund for the purpose of calling bonds or transferred into a fund designated the Improvement Fund and use for improvements, enlargements and extensions to the system. If any deficit exists in any of the specific funds of the system by reason of failure to set aside therein the amounts hereinbefore required, such surplus funds shall first be used to restore such Funds to the required amounts in the order of priority herein named.

(Ord. 301. Passed 4-4-49.)

1040.08 TRANSFER OF FUNDS.

If moneys in the Water Supply System Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Bond and Interest Redemption Fund, any moneys or securities in other funds of the water supply and distribution system shall be transferred first to the Operation and Maintenance Fund and second to the Bond and Interest Redemption Fund to the extent of any deficit therein.

(Ord. 301. Passed 4-4-49.)

1040.09 INVESTMENTS.

Moneys in the Bond and Interest Redemption Fund over and above those being accumulated for the payment of principal and interest next maturing, and moneys in any other fund, except the Water Supply System Receiving Fund and the Operation and Maintenance Fund, may be invested in obligations of the United States. If 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 such investments were made.

(Ord. 301. Passed 4-4-49.)

1040.10 SALE OF BONDS.

Bonds shall be sold and the proceeds therefrom applied in accordance with Act 94 of the Public Acts of 1933, as amended (M.C.L.A. Secs. 141.101 et seq.)

(Ord. 301. Passed 4-4-49.)

1040.11 DISPOSITION OF UNEXPENDED BALANCES.

Any bank authorized to do business in the State is hereby designated as an eligible depository of the proceeds of the sale of bonds sold pursuant to Section 1040.10. Out of the proceeds of such sale there shall first be deposited into the Bond and Interest Redemption Fund the amount of interest which will accrue on the bonds for the period for which interest was capitalized, and the balance shall be used solely to pay the cost of the water supply and distribution system herein

described and any engineering, legal or other expenses incident thereto and shall be paid out on authorization of Council. However, payments for construction, either on account or in full thereof, shall not be authorized unless there has been filed with Council a statement, in writing, signed by the registered engineer in charge of such work, to the effect that the work has been completed in accordance with the plans and specifications, that it was done pursuant to and in accordance with the contract therefor and that such work is entirely satisfactory. Any unexpended balance of the proceeds of the sale remaining after completion of the extensions and improvements herein authorized may, in the discretion of Council, be added to the extent of fifteen percent of the amount of such issue, and be used for further improvements, enlargements and extensions of the system, provided that, at the time of such expenditure, such use is approved by the Municipal Finance Commission. Any remaining balance after such expenditures shall be paid into the Bond and Interest Redemption Fund and shall be used either for the redemption of callable bonds or for the purchase, at not more than the fair market value, of outstanding noncallable bonds.

1040.12 OBLIGATIONS OF VILLAGE RE BONDS.

The Village covenants and agrees with the successive holders of the bonds and coupons that so long as any of the bonds remain outstanding and unpaid as to either principal or interest:

(a) The Village will maintain the water supply and distribution system in good repair and working order, will operate the same efficiently and will faithfully and punctually perform all duties with reference to the system required by the Constitution and laws of the State, including the making and collecting of sufficient rates for water and service and the segregation and application of the revenues of the system in the manner provided in this chapter.

(b) The Village will fix and collect rates and charges for all water service supplied by the system sufficient to provide for payment of the expenses of administration, operation and maintenance of the system, to provide for the payment of interest on and principal of all obligations payable therefrom, including the bonds herein authorized, as and when the same become due and payable, to create the Reserve Account herein required and to create the reserve for replacements. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Ord. 301. Passed 4-4-49.)

(c) Council will maintain and keep proper books of record and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. Not later than three months after the close of each operating year, Council will cause to be prepared, on forms furnished by the Municipal Finance

Commission, if such forms are available, a statement in reasonable detail, sworn to by its chief accounting officer, showing the cash income and disbursements of the system during such operating year, the assets and liabilities of the system at the beginning and close of the fiscal year and such other information as is necessary to enable any taxpayer of the Village, any user of the service furnished or any holder or owner of the bonds, or anyone acting in his or her behalf, to be fully informed as to all matters pertaining to the financial operation of the system during such year. A certified copy of such statement shall be filed with the Commission and such statement and books of record and accounts shall, at all reasonable times, be open to inspection by any taxpayer of the Village, user of the service or holder of any bonds, or anyone acting in his or her behalf. Council will also cause an annual audit of such books of record and accounts for the preceding operating year to be made by a recognized independent certified public accountant and will make such audit available to the holders of the bonds. Such audit shall be completed and made available after the close of each operating year.

(Adopting Ordinance)

(d) The Village will maintain and carry, for the benefit of the holders of the bonds, insurance on all physical properties of the system, of the kind and in the amount normally carried by public utility companies and municipalities engaged in the operation of water systems. All moneys received for losses under such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds.

(e) The Village will not sell, lease or dispose of the system or any substantial part thereof until all of the bonds have been paid in full, both as to principal and interest. Further, the Village will cause the operation of the system to be carried on as economically as possible, will cause to be made to the system all repairs and replacements necessary to keep the same in good repair and working order, and will not do or suffer to be done any act which would affect the system in such a way as to impair or affect unfavorably the security of the bonds.

(Ord. 301. Passed 4-4-49.)

1040.13 ISSUANCE OF ADDITIONAL BONDS.

The right is reserved, in accordance with Act 94 of the Public Acts of 1933, as amended, (M.C.L.A. Secs. 141.101 et seq.), to issue additional bonds payable from the revenues of the water supply and distribution system, which additional bonds shall be of equal standing with the bonds herein authorized for the full completion of the system herein authorized in accordance with plans and specifications therefor.

The right is further reserved, after completion of the project herein authorized, to issue additional bonds for extensions and improvements to the system, payable from the revenues of the system, which additional bonds shall be of equal standing with the bonds herein authorized. However, no such additional bonds shall be issued unless the average net revenues for the last two preceding operating years shall be equal to at least 150 percent of the average annual requirements for principal and interest thereafter maturing on the bonds herein authorized, on any then prior issued bonds of equal standing with those herein authorized and on such additional bonds then being issued. Permission of the Municipal Finance Commission (or such commission as shall have jurisdiction over the issuance of Municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof. (Ord. 301. Passed 4-4-49.)

1040.14 DISPOSITION OF ACCRUED INTEREST.

Any accrued interest received from the sale of bonds shall be deposited in the Bond and Interest Redemption Fund and applied toward the payment of interest next maturing after the delivery of such bonds.
(Ord. 301. Passed 4-4-49.)

1040.15 FORM OF BONDS.

Bonds provided for in this chapter shall be in substantially the form provided by State law.

1040.16 METERS.

(a) All business, commercial and industrial establishments that are connected to the Village water supply and distribution system shall have water meters connected and installed immediately.

(b) All other premises connected to the water system shall have water meters connected and installed when such meters are obtained by the system.

(c) The Village may discontinue water service to any premises or person who or which refuses to permit the connection and installation of water meters or fails to pay connection charges therefor.

1040.17 INSTALLATION OF SECOND METERS.

(a) The policy regarding the installation of second meters (non-sewer use) shall be as follows: All meters installed for non-sewer use (outdoor use) are to be installed after the master or main meter.

(b) Second meters not installed pursuant to subsection (a) hereof will not receive credit on the sewer bill. (Motion of Council. Passed 5-13-96.)

1040.18 WATER EMERGENCIES.

(a) The Village Council, or its designee, upon recommendation of the DPW Supervisor, may declare a water use emergency, and order a reduction in water use, when the supply or pressure demand for water cannot be accommodated and the general welfare is likely to be endangered, or conditions within the water system of the Village are likely to endanger the general welfare of all persons supplied with water by the Village. The DPW Supervisor, or his or her designee, shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply to all persons supplied with water by the Village: The sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even-numbered addresses on even-numbered dates within a month and for properties with odd-numbered addresses on odd-numbered dates within a month.

(b) Whenever the DPW Supervisor deems it necessary, when notification is received from the Michigan Department of Environmental Quality, that provisions in subsection (a) hereof are not sufficient, or when conditions within the water system of the Village are likely to endanger the general welfare of all persons supplied with water by the Village, the following emergency regulations shall apply to all persons on the Village water system: No sprinkling of lawns and landscaping and no outdoor water use shall be allowed.

(c) Upon declaration of a water use emergency and the imposition of water use restrictions, the Village will announce such declaration by such use of cable television, public radio, broadcast television and newspapers with normal operating range covering the community as is determined appropriate and necessary.

(d) Water use restrictions ordered pursuant to this section shall remain in effect twenty-four hours per day, seven days per week, until the DPW Supervisor, or his or her designee, or Council, has declared an end to the water use emergency or determines that a more limited restriction will be sufficient to protect the health, safety and general welfare of the community. The DPW Supervisor, or his or her designee, may provide exceptions to water use restrictions where determined necessary to prevent imminent financial loss to a water user.

(e) No other portion, paragraph or phrase of these Codified Ordinances shall be affected by this section except as to the above sections, and in the event any portion, section or subsection of this section shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this section or of these Codified Ordinances.

(Ord. Unno. Passed 4-12-99.)

1040.99 STREETS, UTILITIES AND PUBLIC SERVICES CODE 14B

1040.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any of the provisions of Section 1040.18 is responsible for a civil infraction and shall be fined not more than five hundred dollars (\$500.00) for each offense.

(Ord. Unno. Passed 4-12-99.)

CHAPTER 1042
Water Supply Cross Connections

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| 1042.01 Adoption of State rules. | 1042.05 Protection of potable water supply. |
| 1042.02 Inspections. | 1042.06 Application to Plumbing Code. |
| 1042.03 Right of entry. | 1042.07 Violations. |
| 1042.04 Discontinuance of water service. | 1042.99 Penalty. |

CROSS REFERENCES

- Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
- Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water traffic control - see GEN. OFF. 666.01(24), S.U. & P.S. 1062.03
- Water pollution - see GEN. OFF. 678.04, 678.07
- Water generally - see S.U. & P.S. Ch. 1040
- Caseville Water Authority - see S.U. & P.S. Ed. Note, Ch. 1040
- Water rates and charges - see S.U. & P. S. Ch. 1044
- Sewer and water connections - see S.U. & P.S. Ch. 1046
- Payment for repairs needed because of alteration or covering of access to water or sewer service - see S.U. & P.S.

1050.02

1042.01 ADOPTION OF STATE RULES.

The Village hereby adopts and incorporates herein by reference, as if fully set forth at length herein, the water supply cross connection rules of the Michigan Department of Public Health, being Act 399 of the Public Acts of 1976, as amended (Sections 325.11401 to 325.11407 of the Michigan Administrative Code).

1042.02 INSPECTIONS.

The Water Department shall cause inspections to be made of all properties served by the public water supply where cross connection 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 water system and as approved by the Michigan Department of Public Health. (Ord. 306. Passed 2-12-73.)

1042.03 RIGHT OF ENTRY.

A representative of the water system shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system 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. 306. Passed 2-12-73.)

1042.04 DISCONTINUANCE OF WATER SERVICE.

The water system 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 to the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with this chapter.
(Ord. 306. Passed 2-12-73.)

1042.05 PROTECTION OF POTABLE WATER SUPPLY.

The potable water supply made available on properties by the public water supply shall be protected from possible contamination as specified by this chapter and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.
(Ord. 306. Passed 2-12-73.)

1042.06 APPLICATION TO PLUMBING CODE.

This chapter does not supersede the State Plumbing Code, but is supplementary to such Code.
(Ord. 306. Passed 2-12-73.)

1042.07 VIOLATIONS.

No person shall violate any of the provisions of this chapter or any written order of the Village given under authority of this chapter.
(Ord. 306. Passed 2-12-73.)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1044
Water Rates and Charges

- | | | | |
|---------|--|---|---|
| 1044.01 | Water capacity buy-in charges. | 1044.12 | Nonmetered water charges; meter connection. |
| 1044.02 | Water connection installation charge. | 1044.13 | Charge for delinquent payments; delinquent payment deadline. (Repealed) |
| 1044.03 | Commencement of water charges. | 1044.14 | After hours, weekend and holiday rates for turning water on or off. |
| 1044.04 | Determination of rates. | 1044.15 | Charge to thaw water service lines. |
| 1044.05 | Review and amendments of rates. | 1044.16 | Water purchase charges. |
| 1044.06 | Determination of sufficiency of rates. | 1044.99 | Penalty. |
| 1044.07 | Free service prohibited. | Appendix I - Water Rates (Repealed) | |
| 1044.08 | Basis of charges; fire protection charge; payment. | Appendix II - Table of Residential Equivalent Factors | |
| 1044.09 | Security for collection; liens. | | |
| 1044.10 | Nonpayment; remedies; penalty. | | |
| 1044.11 | Deposit for reconnection. | | |

CROSS REFERENCES

- Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
- Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water traffic control - see GEN. OFF. 666.01(24); S.U. & P.S. 1062.03
- Water pollution - see GEN. OFF. 678.04, 678.07
- Water generally - see S.U. & P.S. Ch. 1040
- Caseville Water Authority - see S.U. & P.S. Ed. Note, Ch. 1040
- Water supply cross connections - see S.U. & P.S. Ch. 1042
- Requests for delay or relief from payment of bills - see S.U. & P.S. 1050.01

1044.01 WATER CAPACITY BUY-IN CHARGE.

(a) The charge for the privilege of connecting to the water supply and distribution system shall be at a fee to be set by the City Council for the first residential equivalent unit (REU) and at a fee set by the City Council for each additional REU. Water capacity buy-in charges are deemed necessary to recover the prior incurred capital costs associated with the acquisition and provision of sufficient water supply capacity to serve the future needs of the community.

(b) The City may enter into agreements with other governmental entities regarding the supply of water outside the City. Such agreements shall be in writing and approved by Council and shall provide for the costs related to connecting to the City system and the cost of water to be supplied and such other matters related to the distribution of water to such governmental entities as Council shall deem appropriate. Such agreements may provide for rates in excess of those charged to users who are located within the City to reimburse the City for the indirect costs of owning and operating the water system.

(Ord. 2000-5. Passed 3-20-00; Ord. 2003-13. Passed 10-13-03; Ord. 2007-04. Passed 6-11-07.)

1044.02 WATER CONNECTION INSTALLATION CHARGE.

There is hereby established a water connection installation charge to be set by City Council for the physical connection of a water service to the water system. For installations larger than three-quarter inch, additional fees will apply to cover the cost of time and materials that is in excess of the cost incurred for a three-quarter inch installation.

(Res. 96-116. Passed 1-13-97; Ord. 2001-05. Passed 5-14-01; Ord. 2003-13. Passed 10-13-03; Ord. 2015-01. Passed 4-13-15.)

1044.03 COMMENCEMENT OF WATER CHARGES.

Water charges shall begin at the time the occupancy use permit is issued or 180 days after the tap-in permit is issued, whichever first occurs.

(Res. 89-87. Passed 12-11-89.)

1044.04 DETERMINATION OF RATES.

Rates and charges for the use of the water supply system of the City are established to apply to residential and nonresidential or commercial users of the system. Pursuant to the terms of grant and loan agreements entered into between the City and the United States Government, Farmers Home Administration, it has been agreed that nonresidential (commercial) users may not obtain the benefit of Federal grant funds administered by the Farmers Home Administration under the Rural Housing Program, requiring rates to be established for such users as if nine hundred fifty thousand dollars (\$950,000) in Federal grants had not been received to be used to aid in the construction of a water treatment plant and distribution system improvements.

Council shall also establish a Table of Residential Equivalent Factors to be applied to various classes of users, which table shall, in the judgment of Council, reflect the average use of water per nonmetered customer in relation to typical residential uses. Such table may be adopted and amended from time to time in accordance with the recommendation of the City Water Committee and shall be filed with the City Clerk. Such table shall be set forth in Appendix II following the text of this chapter.

1044.05 REVIEW AND AMENDMENTS OF RATES.

The rates for water and sewer charges shall be reviewed from time to time and amended accordingly by City Council.

(Ord. 309. Passed 3-9-87; Ord. 2015-01. Passed 4-13-15.)

1044.06 DETERMINATION OF SUFFICIENCY OF RATES.

The rates hereby fixed are estimated to be sufficient to provide for the payment of expenses of administration, operation and maintenance of the water supply and distribution system as are necessary to preserve the same in good repair and working order and to provide for such other expenditures and funds for such system as may be required by the bond authorizing ordinance as the City may adopt from time to time. The rates herein established shall be fixed and revised from time to time as it may be necessary to produce the necessary amounts.

(Ord. 309. Passed 3-9-87.)

1044.07 FREE SERVICE PROHIBITED.

No free service shall be furnished by the water supply and distribution system to any person, public or private, or to any public agency or instrumentality.

(Ord. 310.1A. Passed 9-28-87.)

1044.08 BASIS OF CHARGES; FIRE PROTECTION CHARGE; PAYMENT.

(a) All water charges shall be based on water used according to a meter, and all rates shall be determined from time to time by Council and shall be posted at the office of the City Clerk.

(b) The charges for water and services which are under Section 21 of Act 94 of the Public Acts of 1933, as amended (M.C.L.A. Sec. 141.121), are hereby made a lien on all premises served thereby, unless notice is given that a tenant is responsible. Whenever any such charge against any piece of property is delinquent for six months, the City officials in charge of the collection thereof shall certify to the City Assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected. However, where notice is given that a tenant is responsible for such charges, no further service shall be rendered any piece of property until a cash deposit of not less than the applicable quarterly base water rate has been made as security for payment of such charges and services.

(c) In addition to other remedies provided, the City may shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due.

(d) All non-metered water used for fire suppression will be billed using estimates from the water plant production and no meters will be required to be installed by the property owner for the suppression system.

(Ord. 2005-02. Passed 3-14-05; Ord. 2009-08. Passed 5-11-09; Ord. 2010-04. Passed 8-9-10.)

1044.09 SECURITY FOR COLLECTION; LIENS.

(a) The City shall have as a security for the collection of water rates, or any assessments, charges or rentals due or to become due for the use or consumption of water supplied to any house, building, premises, lot or parcel of land, a lien upon such house, building, premises, lot or parcel upon which such house or other building shall be situated or to which such water was supplied.

(b) Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied, but shall not be enforceable for more than three years thereafter.

(c) The lien created herein shall be enforced by the general laws of the State providing for the enforcement of tax liens.

(d) The lien hereinbefore created shall, from and after the passage of this section (Ordinance 301, passed April 4, 1949), have priority over all other liens, except taxes or special assessments, whether or not such other liens accrued or were recorded prior to the accrual of the water lien therein created. However, this section shall not apply in any instance where a lease has been legally executed containing a provision that the lessor shall not be liable for the payment of water bills as to any such bills accruing subsequent to the filing of the affidavit hereinafter provided for. Further, an affidavit with respect to the execution of such a lease containing the expiration thereof shall be filed with the City Clerk, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease.

1044.10 NONPAYMENT; REMEDIES; PENALTY.

(a) The city may discontinue water service from the premises against which the lien provided for in Section 1044.09 has accrued whenever any person fails to pay the rates, assessments, charges or rentals herein referred to, or may institute a suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect such water rates, assessments, charges or rentals by any process shall in any way invalidate or waive the lien upon the premises.

(b) The procedure for the discontinuance of water service and penalty for delinquent payments is hereby established as follows, divisions (2), (3) or (4) may be delayed by up to five days due to weekends, holidays or staffing issues:

- (1) Quarterly bills shall be issued on January 1, April 1, July 1 and October 1, each allowing twenty-five days for payment.
- (2) On the twenty-sixth day following the issuance of a quarterly bill, a penalty of 1.5% shall be added to the outstanding original amount owed. Notice shall be sent to the customer by first class mail, giving said customer notice to pay the delinquent charges, including interest and penalty.

On the twenty-sixth day of the second month of the calendar billing cycle, an additional penalty of 1.5% shall be added to the original outstanding amount owed.

- (3) On the seventy-first day following the issuance of a quarterly bill, a penalty of 1.5% shall be added to the outstanding original amount owed plus a shut-off fee, as set by City Council. A shut-off notice shall be sent to the current billing customer by certified mail, return receipt requested, and/or the notice will be hand-delivered to the occupant of the structure, giving said customer fifteen days in which to pay the delinquent charges, including interest and penalty. Shut-off notices will be sent based on the criteria established by City Council. The notice shall state the date that water is scheduled to be shut off for nonpayment. If not hand delivered, the notice shall also be tagged at the front entrance of the premises, thereby advising said may be removed by the city after a minimum of seven days due to safety concerns, (occupancy status).
- (4) Shut-off of the delinquent water service account shall occur on the eighty-sixth day following the issuance of a quarterly bill based on criteria established by City Council for shut-off. To avoid shut-off the account must be paid below the amount set by City Council by 12:00 noon on the shut-off day.

(Ord. Unno. Passed 4-12-99; Ord. 2006-06. Passed 5-8-06; Ord. 2013-04. Passed 5-13-13; Ord. 2013-07. Passed 1-13-14; Ord. 2016-01. Passed 4-11-16.)

1044.11 DEPOSIT FOR RECONNECTION.

When an application for water service is made by a lessee or land owner whose water service was discontinued by the city because such lessee or landowner failed to pay for previous water service, the following procedure shall apply:

- (a) Payment of any delinquent amounts shall be made in full prior to reconnection. This includes full payment of the next quarter's base utility bill and penalties, if this bill is past the twenty-fifth day of issuance.
- (b) A deposit, of one quarter's base utility bill for this account, shall be required prior to reconnection, for second offense and thereafter.
- (c) The turn-on fee for reconnection of a delinquent account shall be as follows:
 - (1) The fee for reconnection within thirty days of shut off shall be set by the City Council.

- (2) The charge for reconnection after thirty days of shut off shall be three hundred dollars (\$300.00).
- (d) Deposits made as a result of a disconnection for nonpayment shall be returned to the lessee or landowner after four continuous quarterly payments are made without being delinquent, if during this time frame the customer is past due on any utility bill, the deposit will be applied to their account and not returned.
- (e) No interest shall be earned on disconnection deposits returned to the lessee or landowner.
(Ord. 1044-A. Passed 6-13-94; Ord. 2006-03. Passed 5-8-06; Ord. 2016-01. Passed 4-11-16.)

1044.12 NONMETERED WATER CHARGES; METER CONNECTION.

(a) There is hereby established a monthly nonmetered water charge, per RE factor, as follows:

Commercial - \$100.00 per month (\$300.00 per quarter)

Single-family residents with commercial combined - \$50.00 per month (\$150.00 per quarter)

Single-family residents - \$40.00 per month (\$120.00 per quarter)

(b) All residential and commercial users needing meters shall be notified by registered mail and be given a forty-five day notice to connect the required meters. This charge shall become effective July 8, 1991.

(c) The nonmetered charges shall also be applied to accounts with broken meters and/or no remote upon proper forty-five day notice as stated above.

(d) Nonmetered charges are in addition to mandatory established charges.
(Res. 91-107. Passed 7-8-91.)

1044.13 CHARGE FOR DELINQUENT PAYMENTS; DELINQUENT PAYMENT DEADLINE. (REPEALED)

1044.14 AFTER HOURS, WEEKEND AND HOLIDAY RATES FOR TURNING WATER ON OR OFF.

The charges for water turn-on/turn-off performed after hours, on weekends and on holidays shall be set by City Council.

(Res. 96-75. Passed 6-27-96; Res. 2001-44. Passed 5-14-01; Ord. 2015-01. Passed 4-13-15.)

1044.15 CHARGE TO THAW WATER SERVICE LINES.

It is the responsibility of the City to respond to requests to thaw water service lines in the right-of-way. Repeated calls to the same address to thaw water service lines in the right-of-way, where the homeowner is negligent, shall be billed at an hourly rate

sufficient to cover the manpower and equipment needed to thaw such water service lines, plus ten percent for administrative costs.

(Ord. 1044-A. Passed 6-13-94; Ord. 2010-04. Passed 8-9-10.)

1044.16 WATER PURCHASE CHARGES.

The following charges for water purchases are hereby established:

- (a) Up to five gallons \$.25
 - (b) Up to 250 gallons 1.00
 - (c) Up to 1,250 gallons 5.00
- (Res. 96-26. Passed 2-12-96.)

1044.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

APPENDIX I

(Repealed)

Editor's Note: Appendix I was repealed by Ordinance 2010-04, passed August 9, 2010.

APPENDIX II

Table of Equivalent Unit Factors

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | <u>Information</u> <u>Source</u> |
|---|---|-------------------------------------|
| Single family residential | 1.00 per dwelling | A-D-F-G |
| Single family residential where business is operated (home occupancy) | 1.50 per dwelling | G |
| Auto dealers | .40 per 1,000 sq. ft. | D-E |

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | <u>Information</u> <u>Source</u> |
|--------------------------------------|--|-------------------------------------|
| Auto repair shops | .30 per repair stall | D |
| Banks | 1.00 per bank | G |
| Barber shops | .14 per chair | A-C |
| Bars | .04 per seat | D |
| Beauty shops | .22 per booth | D |
| Boarding houses | .16 per person | A-C-F |
| Body shops | 1.00 per each fifteen employees or fraction thereof | G |
| Bowling alleys (no bar or lunch) | .16 per alley | D |
| Bowling alleys (bar and/or lunch) | .60 per alley | F |

| <u>Usage</u> | Residential Equivalent (R.E.) | Information |
|--|---|---------------|
| | <u>Unit Factor</u> | <u>Source</u> |
| Car wash | | |
| (a) Manual, do-it-yourself | 2.50 per stall | D |
| (b) Semi-automatic (Mechanical without conveyer) | 12.50 per stall | D |
| (c) Automatic with conveyer | 33.00 per stall | D |
| (d) Automatic with conveyer conserving and recycling water | 8.40 per lane | D |
| Child care centers | .05 per person | G |
| Churches | .01 per seat | D-E |
| Cleaners (pick-up only) | 1.00 per establishment | G |
| Clinics (minimum 1.0 per profession) | .50 per doctor | D |
| Convalescent home | .22 per bed | D |
| Convents | .20 per person | D |
| Country clubs | .08 per person | A-C-D |
| Dairy stores | .16 per employee | D |
| Department stores (with food) | .60 per 1,000 sq. ft. | G |
| Department stores (without food) | .40 per 1,000 sq. ft. | D-F |
| Drug stores (without fountain) | .40 per 1,000 sq. ft. | D-F |
| Factories (exclusive of excess industrial use) | .50 per 1,000 sq. ft. | D-E |
| Fire station | .20 per person per twenty-four hours | G |

| <u>Usage</u> | Residential Equivalent (R.E.) <u>Unit Factor</u> | <u>Source</u> | Information |
|--|---|---------------|-------------|
| Fraternal organizations (members only) | 1.00 per hall | D | |
| Fraternal organizations (members and rentals) | 2.00 per hall | D | |
| Fruit stand (cleaning-seasonal) | 1.10 per 1,000 sq. ft. | G | |
| Garden center (nursery) | .16 per person | G | |
| Government offices | .40 per 1,000 sq. ft. | D-E | |
| Grocery stores and supermarkets | 1.10 per 1,000 sq. ft. | D-E | |
| Hospitals | 1.09 per bed | A-C | |
| Hotels (private baths) | .25 per bed | A-C-E-F | |
| Laundry (self-service) | .40 per washer | D-E | |
| Lumber yard | 1.00 per each fifteen employees or fraction thereof | G | |
| Mobile home parks | .50 one bedroom 1.00 two bedrooms or more | G G | |
| Motor freight terminals | 1.00 per each fifteen employees or fraction thereof | G | |
| Motels | .25 per bed | E | |
| Multi-family residence | | | |
| (a) One bedroom | .50 per residence | G | |
| (b) Two bedrooms | 1.00 per residence | G | G |
| (c) Three bedrooms | 1.00 per residence | G | |

| <u>Usage</u> | Residential Equivalent (R.E.) | Information |
|---|---|---------------|
| <u>Office</u> | <u>Unit Factor</u> | <u>Source</u> |
| Office | .40 per 1,000 sq. ft. | D |
| Pets, plants and fish | 1.10 per 1,000 sq. ft. | G |
| Printing shop | 1.00 per each fifteen employees or fraction thereof | G |
| Public institutions (other than hospitals) | 1.00 per each fifteen employees or fraction thereof | G |
| Research and testing labs | 1.00 per each fifteen employees or fraction thereof | G |
| Restaurants | | |
| (a) Conventional type (with or without drinks) | .05 per seat | A-B |
| (b) Quick serve, franchise-type without dishes, dealing mainly in hamburgers and sandwiches with or without eating in building | 5.60 per restaurant | D |
| Includes, but not limited to, McDonald's, Burger Chef, Burger King, Red Barn, Hardee's and Arby's. | | |
| (c) All other restaurants | 1.80 per restaurant | D |
| Includes, but not limited to, drive-ins, snack bars, carry-outs, such as fried chicken and pizza. Could have limited eating in building without dishes. | | |

STREETS, UTILITIES AND PUBLIC SERVICES CODE

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| | Residential Equivalent (R.E.) | Information |
|---|---|---------------|
| <u>Usage</u> | <u>Unit Factor</u> | <u>Source</u> |
| Rooming houses (no meals) | .167 per person | E |
| Schools | 1.50 per classroom | C-E |
| Sports centers | 1.00 per each fifteen employees or fraction thereof | G |
| Service stations | 1.00 per station | G |
| Service stations (with limited car washing) | 1.25 per station | G |
| Stores (other than those specifically listed) | 1.00 per each fifteen employees or fraction thereof | G |
| Swimming pools | 2.85 per 1,000 sq. ft. | D |
| Take-out (beer and liquor) | 1.00 per each fifteen employees or fraction thereof | G |
| Tennis club | .08 per member | A-C-D |
| Theatre (drive-in) | .008 per car space | B-C |
| Theater (inside) | .0001 multiplied by the weekly hours of operation multiplied by the number of seats | B-C-E |
| Travel trailer park (individual bath units) | .27 per cubicle | A-B-C-E |
| Travel trailer park (individual bath units-seasonal only) | .27 per cubicle | A-B-C |

| <u>Usage</u> | Residential Equivalent (R.E.) | Information |
|------------------------|---|---------------|
| | <u>Unit Factor</u> | <u>Source</u> |
| Used auto sales | 1.00 per each fifteen employees or fraction thereof | G |
| Veterinarian hospitals | 2.00 per veterinarian | G |
| Warehouses | .10 per 1,000 sq. ft. | D-E |

1. Minimum rate for commercial or industrial user - 1.0 unit equivalents.
2. Rates not properly covered in this listing will be established by Council.
3. Where a multiple business exists at one location (shopping centers), the various businesses will be combined for equivalents.

NOTE: 1 Unit equals 222 gallons per day or 80,000 gallons per year or 32.75 cubic feet per day or 11,550 cubic feet per year.

INFORMATION SOURCES:

- A. Cincinnati Report
- B. Gordon MacDougall Report to Wayne County
- C. Manual of Septic Tank Practice - Publication No. 526, U.S. Department of Health
- D. Oakland County Department of Public Works
- E. Genesee County Department of Public Works
- F. New Jersey State Department of Health
- G. Stauder, Barch & Associates Analysis

Where, when and if the R.E. status of a user is in question, the Superintendent of Public Works is authorized to make a recommendation subject to approval by the Village Water Committee and/or Council. The determination of the Superintendent is to be kept on file in the office of the Department of Public Works.

(Ord. Unno. Passed 4-12-99; Ord. 2000-10. Passed 7-10-00.)

CHAPTER 1046
Sewer and Water Connections

| | | | |
|---------|--|---------|--|
| 1046.01 | Connections required. | 1046.06 | Sewer and water capacity buy-in charge policy. |
| 1046.02 | Notice to connect. | 1046.07 | Portable privies. |
| 1046.03 | Noncompliance with notice; connection by City. | 1046.08 | Tampering with or damaging components. |
| 1046.04 | Private sewage disposal systems. | 1046.09 | Loss of water caused by failure to turn off service. |
| 1046.05 | Inspection of tap-ins by City. | 1046.99 | Penalty. |

CROSS REFERENCES

Sewers and sewer systems generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.

Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.

Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water traffic control - see GEN. OFF. 666.01(24), S.U. & P.S. 1062.03

Water pollution - see GEN. OFF. 678.04, 678.07

Water generally - see S.U. & P.S. Ch. 1040

Caseville Water Authority - see S.U. & P.S. Ed. Note, Ch. 1040

Water supply cross connections - see S.U. & P.S. Ch. 1042

Water rates and charges - see S.U. & P.S. Ch. 1044

Wastewater collection and treatment - see S.U. & P.S. Ch. 1048

Payment for repairs needed because of alteration or covering of access to water or sewer service - see S.U. & P.S. 1050.02

1046.01 CONNECTIONS REQUIRED.

(a) To ensure preservation of the public health, comfort and safety, the owner or agent of the owner of any building used for human habitation or occupied for commercial or industrial business purposes and located adjacent to a sewer or water main, or in a block through which the sewer and/or water system extends, shall connect therewith after receiving notice to do so as provided herein.

(b) There is hereby established a sewer capacity buy-in fee, to be set by City Council, for each residential equivalent unit (REU) connecting to any sewer line. This is the charge for the privilege of connecting to the City sewer system, and is deemed

necessary to recover prior incurred capital costs associated with the acquisition of sufficient sewer capacity to serve the future needs of the community.

(c) The sewer connection installation charge shall be set by City Council per connection and is the charge for the physical connection for a sewer service to the sewer system.

(d) Water and sewer connections and buy-in charges shall be paid before any work is performed by City DPW personnel, with exceptions as stated in Section 1046.06.

(Ord. 308. Passed 9-10-79; Ord. 2000-11. Passed 11-20-00; Ord. 2003-13. Passed 10-13-03; Ord. 2015-01. Passed 4-13-15; Ord. 2016-12. Passed 12-12-16.)

1046.02 NOTICE TO CONNECT.

(a) When a sewer or water main becomes available to any building used for human habitation or occupation, the Department of Public Works shall notify, in writing, the owner or his or her agent to connect the building thereto and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the notifying officer.

(b) Such notice shall be given by certified mail addressed to the last known address of the owner or his or her agent.

(Ord. 308. Passed 9-10-79; Ord. 2016-12. Passed 12-12-16.)

1046.03 NONCOMPLIANCE WITH NOTICE; CONNECTION BY CITY.

If the owner or his or her agent fails to comply with the notice to connect within ten days after receipt thereof, the notifying officer may cause the connection to be made and the expense thereof assessed as a special assessment tax against the property.

(Ord. 308. Passed 9-10-79.)

1046.04 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) No person shall construct or maintain any privy, privy vault or cesspool in the City.

(b) Any building used for human habitation shall be connected to a private sewage disposal system consisting of a septic tank and proper drainage field or dry well in accordance with the recommendations of the Michigan Department of Public Health. (Adopting Ordinance)

(c) After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

(Ord. 308. Passed 9-10-79.)

1046.05 INSPECTION OF TAP-INS BY CITY.

Sewer tap-in inspections, formerly performed by the County, shall now be performed by the City Department of Public Works.

(Motion of Council. Passed 10-14-96.)

1046.06 SEWER AND WATER CAPACITY BUY-IN CHARGE POLICY.

The policy for payment of sewer and water capacity buy-in charges shall be as follows:

- (a) To continue to collect all payments as due per the existing sewer installment schedule as outlined in Section 1048.13(a)(11);
 - (b) To allow installment payment of capacity buy-in charges for new sewer and water services. The interest rate and terms to be set by the City Council.
- (Res. 96-55. Passed 5-13-96; Ord. 2003-13. Passed 10-13-03.)

1046.07 PORTABLE PRIVIES.

The Office Administrator shall have the authority to issue permits for the use of portable privies in the City. Permits shall be effective for fifteen days. All requests for the use of portable privies in excess of fifteen days will require the approval of Council. Each such request shall be considered on an individual case basis.

(Res. 98-36. Passed 4-13-98.)

1046.08 TAMPERING WITH OR DAMAGING COMPONENTS.

No person shall tamper with or damage any part of the water and sewer system or any component of each system, including but not limited to curb-stops and fire-hydrants.

(Ord. 2003-13. Passed 10-13-03.)

1046.09 LOSS OF WATER CAUSED BY FAILURE TO TURN OFF SERVICE.

It shall be the responsibility of every property owner who will be absent from their property for an extended period during the winter months to contact the City and have the water to their property turned off. If a property owner fails to notify the City to turn off their water and a line break occurs between the curb stop and the house meter due to freezing temperatures, then in such event, costs may be assessed by the City Council against the property owner.

(Ord. 2008-06. Passed 7-14-08.)

1046.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1048
Wastewater Collection and Treatment

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| 1048.01 Purpose; authority; findings; determinations. | 1048.11 Maintenance of public sanitary and building sewers. |
| 1048.02 Definitions. | 1048.12 Power and authority of inspectors. |
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| 1048.08 Damaging the system. | 1048.18 Violations. |
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| 1048.10 Connection of privately constructed sanitary sewer systems to the public system. | 1048.20 Falsifying information. |
| | 1048.99 Penalty; equitable remedies. |
| | Appendix I - Table of Equivalent Unit Factors. |

CROSS REFERENCES

- Sewers and sewer systems generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.
- Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
- Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water pollution - see GEN. OFF. 678.04, 678.07
- Water generally - see S.U. & P.S. Ch. 1040
- Water supply cross connections - see S.U. & P.S. Ch. 1042
- Water rates and charges - see S.U. & P.S. Ch. 1044
- Sewer and water connections - see S.U. & P.S. Ch. 1046
- Portable privies - see S.U. & P.S. 1046.07
- Request for delay or relief from payment of utility bills - see S.U. & P.S. 1050.01
- 1050.01
Payment for repairs needed because of alteration or covering of access to water or sewer service - see S.U. & P.S. 1050.02

1048.01 PURPOSE; AUTHORITY; FINDINGS; DETERMINATIONS.

Council hereby makes the following statement of purpose and legislative findings and determinations:

- (a) The purpose of this chapter is to establish and/or re-establish a sanitary sewage disposal system to provide sanitary sewer services and to regulate the

discharge of sanitary sewage; to provide for the financing of the costs of improvements, enlargements, extensions and replacements of the sanitary sewer system; to establish the rates and charges for users of the sanitary sewer system; to provide for the rules and regulations regarding the use of the sanitary sewer system; and to provide penalties and enforcement means for violations thereof.

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- (b) By establishing and regulating the sewer system, the Village is exercising the authority granted to the Village by Public Act 94 of 1933, as amended; Public Act 278 of 1909, as amended (Home Rule Village Act); and Article 7, Section 24, of the 1963 Michigan Constitution.
- (c) The Village has previously found, and currently reaffirms, that the businesses, industries, governmental and charitable agencies and residents located in the Village need to have sanitary sewer services for the protection of the public health, safety and welfare.
- (d) Based on the advice of its consultants, the Village has previously found, and currently reaffirms, that the most precise method of measuring for use of the sanitary sewer system by any user is by a water meter installed and controlled by the Village.
- (e) The Village has previously found, and, further, currently reaffirms, that, in order to provide and continue to provide a sanitary sewer system capable of collecting and treating wastewater, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the system.
- (f) The Village has previously found, and, further, currently reaffirms, that the rates, fees and charges established in these Codified Ordinances represent a reasonable relationship between the amount of the rate, fee and charge and cost of value of the service or benefit conferred.
(Ord. 2000-6. Passed 3-20-00.)

1048.02 DEFINITIONS.

As set forth herein, the following terms shall have the meanings described in this section, unless the context specifically indicates otherwise:

- (1) “Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) “Applicable county health department” means the Huron County Health Department.
- (3) “Attorney” means the Attorney of the Village of Caseville, Huron County, Michigan.
- (4) “Available public sanitary sewer system” means a public sanitary sewer system located in a right-of-way, easement, highway, or public way which crosses, adjoins, abuts, or is contiguous to the realty involved and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates, or, in the case of all other real estate or land, is located in a street, road, highway, right-of-way, easement, or public or private way crossing, adjoining, abutting, or contiguous to any realty land within a special assessment district heretofore or hereafter created, on which is located a structure in which sanitary sewage originates.
- (5) “B.O.D.” means the biochemical oxygen demand, which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Centigrade, expressed as milligrams per liter.
- (6) “Building sewer” means the sewer that connects the building or structure

in which wastewater originates to the public sewer and conveys the sewage from the building or structure to the public sewer.

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- (7) “Capacity charge” means, in addition to any other assessments, costs or levies hereunder, a charge for capacity utilization and or reservation which shall be levied for all residential dwellings, and for each residential equivalent in excess of one residential equivalent for multiple-dwellings and commercial or industrial facilities. The amount of said charge shall be as hereinafter set forth. Premises other than single-family residences shall pay a connection charge in the amount of the “capacity charge” multiplied by the factor developed in the formula established by the Table of Unit Factors pursuant to Section 1048.13(a)(2).
- (8) “Commercial users” means any establishment being involved in a commercial enterprise, business or service which, based upon a determination by the Village Council, discharges primarily segregated domestic wastes or wastes from sanitary conveniences, and which is not a residential or industrial user.
- (9) “Compatible pollutant” means a substance amenable to treatment in a publicly owned wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit of the publicly owned treatment works (POTW), which treatment works is designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such additional pollutants may include, but not be limited to: chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.
- (10) “County” means the County of Huron, State of Michigan.
- (11) “Debt service charge” means the charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of the local portion of the system.
- (12) “Direct connection” means the connection of a premises wherein sanitary sewage originates directly to sewer lines constructed by or dedicated to the Village.
- (13) “Garbage” means solid waste from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (14) “Governmental user” means a facility connected to a sanitary sewer system which is occupied by governmental offices or any other facility that provides governmental services at public expense.
- (15) “Incompatible pollutant” means any pollutant which is not a compatible pollutant.
- (16) “Indirect connection” means the connection of any premises to any sewer lines not originally comprising the sewer system constructed by the Village but connecting thereto, e.g., premises served by subdivision and mobile home park sanitary sewers which in turn connect to public sewers.

- (17) "Industrial user" means any manufacturing or processing facility discharging wastewater to a public sanitary sewer system, or any trade or process which discharges wastewater to a public sanitary sewer system and which may contain toxic or poisonous substances or may contain any substance which may inhibit or disrupt any sanitary sewer system, wastewater treatment system or disposal system for solid wastes which are generated in a publicly owned treatment works.

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- (18) “Industrial wastes” means the wastewater discharges from industrial, manufacturing, trade or business processes, as distinct from their employees' domestic waste or waste from sanitary conveniences.
- (19) “Institutional user” means any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (20) “Major contributing industry” means an industrial user of the publicly owned treatment works that meets one or more of the following:
- A. Has a flow of 50,000 gallons or more per average work day;
 - B. Has a flow greater than five percent of the flow carried by the Municipal system receiving the waste;
 - C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Water Pollution Control Act;
 - D. Was found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent emanating from said treatment works.
- (21) “mg/l” means milligrams per liter.
- (22) “Multiple residential dwelling” means a dwelling in which more than one family resides.
- (23) “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (24) “Normal domestic strength wastewater” means a sewage or other wastewater effluent which shall be a compatible pollutant, as defined in paragraph (9) hereof, and with B.O.D. of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, and total phosphorous of twelve milligrams per liter or less.
- (25) “NPDES permit” means a permit issued pursuant to the National Pollution Discharge Elimination System prescribed in PL 92-500.
- (26) “O & M charge” means the charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system pursuant to Section 204b of PL 92-500.
- (27) “Operation and maintenance (O & M)” means all work, materials, equipment, utilities and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation, and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other County, State and Federal regulations, if any.

- (28) “Person” means any individual, firm, company, partnership, association, society, group or corporation.
- (29) “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (30) “Plumbing Inspector” or “Inspector” means the appointed Inspector of the Village.
- (31) “Private sewage disposal systems” means any septic tank, lagoon, cesspool, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.
- (32) “Properly shredded garbage” means the waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half inch in any dimension.
- (33) “Property owner” means the person or persons having legal title to the premises according to the Village tax records and shall include, in the case of land contract sale, the land contract vendee or vendees, provided that the Village has been furnished with a copy of said land contract or assignment thereof.
- (34) “Replacement” means the obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.
- (35) “Residential equivalent” or “equivalent unit” means the factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single-family residential user. The designation “RE” means “residential equivalent.”
- (36) “Residential user” means the user of the system whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached or semi-detached units, row houses, mobile homes, apartments, or permanent multi-family dwellings. For purposes of this chapter, transient lodgings shall be considered to be a commercial use.
- (37) “Sanitary sewage” means the liquid or water-carried waste discharged from sanitary conveniences of dwellings, (including apartment houses, motels and hotels), office buildings, factories, or institutions.
- (38) “Sanitary sewer” means the sewer which carries sanitary sewage and into which storm water, surface and ground waters are not intentionally admitted.

- (39) “Sewage” means any combination of sanitary sewage, storm water, industrial waste, and uncontaminated industrial waste, or any of them.
- (40) “Sewage treatment plant” means any arrangement of devices or structures used for the treating of sewage.
- (41) “Sewer” means a pipe or conduit and appurtenances for transmitting or carrying sanitary sewage, including any devices necessary for pumping, lifting, or collecting such sewage.
- (42) “Sewer service charge” means the charge to users of the sewage collection and treatment system and shall be the sum of the O & M charge plus the debt service charge.
- (43) “Shall” and “may” shall have the following meanings: “shall” is mandatory; “may” is permissive.
- (44) “Special assessment district” means any special assessment district for the Village wastewater collection system which was established by a resolution of the Village Council for the purpose of defraying, in whole or in part, the cost of the system.
- (45) “Standard industrial classification (SIC)” means a classification pursuant to the Standard Industrial Classification Manual (SICM) issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (46) “Storm sewer” means a sewer intentionally designed for receiving and conveying storm, surface and groundwater and into which sanitary sewage shall not be admitted.
- (47) “Structure in which sanitary sewage originates” means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.
- (48) “Superintendent” means the Superintendent of the Village wastewater collection and treatment system, which includes all sewers, pumps, lift stations, treatment facilities or other facilities and appurtenances used or useful in the collection, transportation, treatment and disposal of domestic, commercial or industrial wastes, and all easements, rights and land for same and including all extensions and improvements thereto which may hereafter be acquired or constructed.
- (49) “Surcharge” means the additional charge which a user discharging wastewater having strength in excess of the limits set by the Village for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating such excessively strong wastewater.
- (50) “Suspended solids” means solids that either float on the surface of, or are suspended in, the water, sewage or other liquids and which are removable by laboratory filter.

- (51) "System" means the complete Village wastewater collection and treatment system.
- (52) "Table of Equivalent Unit Factors" means that Table which is referred to in Section 1048.13(a)(2) and is adopted by the Village and utilized to identify the various classifications of sewer users and stating as residential equivalents (or RE) the ratio of such use of the system to that of a single-family residence.
- (53) "Village" means the Village of Caseville, Michigan.
- (54) "User charge" means the charge levied on users of the system for the cost of operation and maintenance of such work pursuant to Section 204b of P.L. 92-500, which charge shall also include cost of replacement.
- (55) "User class" means the kind of user connected to the sanitary sewers, including, but not limited to, commercial, governmental, industrial, institutional, and residential users, as defined in this section.
- (56) "Wastewater" means water which contains, or previous to treatment has contained, pollutants, such as sewage and/or industrial wastes.
- (57) "Watercourse" means an open channel, either natural or artificial, in which a flow of water occurs, either continuously or intermittently.
(Ord. 90-2. Passed 8-2-90.)

1048.03 OPERATION, MAINTENANCE AND CONTROL; ADMINISTRATION AND ENFORCEMENT.

(a) The operation and maintenance of the system shall be under the supervision and control of the Village and/or any County/Drainage District contract, which shall be agreed upon between the Village and the County. Pursuant to the terms of this chapter and such contracts, the Village has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the Village may employ such person or persons in such capacity or capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system, to discharge its financial obligations, and to collect rates and charges as herein provided.

(b) The Village Council is charged with the responsibility of administering the system and enforcing this chapter.

(Ord. 90-2. Passed 8-2-90.)

1048.04 USE OF PUBLIC SEWERS REQUIRED.

(a) Mandatory Connection Requirement. Each and every owner of property on which is located a structure in which sanitary sewage originates, shall, at his or her own expense, install suitable toilet facilities in said structure, and shall cause such facilities to be connected to the available public sanitary sewer system.

(b) Connection Procedures.

- (1) Such connection shall be completed promptly but in no case later than ninety days from the date of the occurrence of the last of the following events:
 - A. Publication of a notice by the Village of the availability of the public sanitary sewer system in a newspaper of general circulation within the Village and the mailing of written notice indicating the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership of the property in question.
 - B. Modification of a structure so as to become a structure where sanitary sewage originates.
- (2) If the property owner on which is located a structure in which sanitary sewage originates does not complete connection to an available sanitary sewer within the ninety-day period described in paragraph (b)(1) hereof, the Village shall notify said person by written notice that connection to the system is required forthwith. The giving of said notice shall be made by first class or certified mail to the property owner on which the structure is located or by posting such notice on the property. The notice shall provide the owner with the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this chapter and Sections 12751 through 12758 of Act 368 of the Public Acts of Michigan, 1978, as amended.

(c) Adverse Weather Exception for Late Connection. In the event the property owner is unable to connect to the system within the time prescribed by this chapter due to or on account of inclement or adverse weather conditions, said property owner may appeal to the Village to allow said person additional time in which to connect without penalty and without civil and criminal proceedings being initiated against him or her. The foregoing notwithstanding, this appeal shall be made in writing within ten days of notice of sanitary sewer availability as hereinbefore set forth.

(d) Enforcement of Mandatory Connection Requirements.

- (1) Penalties for late connection. Failure or refusal to connect to the system within the time prescribed herein shall result in the property being charged a penalty of three hundred dollars (\$300.00) for each single-family residential unit, multiplied by the number of units and/or multiplying factors as established by the Table of Equivalent Unit Factors.

- (2) Civil penalties to compel connection. Where any structure wherein sanitary sewage originates is not connected to the system ninety days after the date of mailing or otherwise serving notice to connect as hereinbefore set forth, the Village may bring an action for mandatory injunction or injunctive order in any court of competent jurisdiction in the County of Huron to compel the owner of the property on which said property is located to connect to the system. The Village may charge in such action or actions any number of owners of such properties to compel said person or persons to connect to the system.
(Ord. 90-2. Passed 8-2-90.)

1048.05 PRIVATE SEWAGE DISPOSAL.

(a) Without prior consent of the Village Council, it shall be unlawful for any person to place, deposit, or permit to be deposited upon any public or private property within the Village (or any area under its jurisdiction) any human excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial waste, or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this chapter.

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

(d) Where a public sanitary sewer is not available under the provisions of Section 1048.04, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the Huron County Health Department, or such other health department having jurisdiction.

(e) At such time as the public sanitary sewer system becomes available to premises served by a private sewage disposal system, connection to the public system shall be made in compliance with this chapter, and any septic tanks, cesspools and similar private disposal facilities located thereon shall be abandoned and discontinued for sanitary sewage disposal use.

(f) All private sewage disposal systems maintained in compliance with this chapter shall be maintained in a sanitary manner at all times at the sole expense of the owner thereof.

(g) All abandoned private sewage disposal systems shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents thereof shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under the provisions of Act 181 of the Public Acts of 1986, as amended. The tank, or the pit in the instance of a privy, shall be treated with at least ten pounds of chlorinated lime or other chemical disinfectant acceptable to the Huron County Health Department. Then the tank or pit shall be completely backfilled with approved material and made safe from the hazard of collapse or entrapment.
(Ord. 90-2. Passed 8-2-90.)

(h) The use of portable privies, such as port-a-johns, shall be prohibited in the Village unless prior approval therefor has been obtained from the Office Administrator under policies set forth by Council (see Section 1046.07).
(Res. 98-36. Passed 4-13-98.)

1048.06 BUILDING SEWERS; CONNECTIONS AND REPAIRS.

(a) Building Sewer Regulations.

- (1) A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates.
- (2) All costs and expenses incident to the installation of the building sewer and the connection of same to the public sewer shall be borne by the property owner.
- (3) All building sewers (leads) shall meet or exceed all requirements of this chapter.
- (4) Building sewers hereinafter installed shall consist of pipes and fittings of the following types and sizes:
 - A. Pipe must be of sufficient diameter to carry the estimated volume of discharge. Minimum pipe size permitted is six-inch ID within the public right-of-way. For single-family residences the use of four-inch ID pipe on private property behind the street right-of-way shall be acceptable. All commercial and multi-family residences shall be six-inch minimum ID pipe.
 - B. Pipe must be constructed from one of the following materials and cannot be mixed in the connection lines to include the fittings.
 1. Extra strength vitrified clay pipe with ASTM 425 joints;
 2. Cast iron soil pipe with "no-hub" type joints;
 3. Ductile iron with rubber-type gaskets slip joint or mechanical joint;
 4. Polyvinyl chloride pipe (PVC) Type 1, Schedule 40 ASTM D 1785 solvent weld joints;
 5. Polyvinyl chloride pipe (PVC) ASTM D 3034 (SDR35) with ASTM D 3212 push-on type joints.
 6. Truss Pipe:
 - a. Truss pipe conforming to ASTM 2680.

- b. Joints shall be compression type conforming to ASTM D 3212.
- c. Service leads shall be 23.5.

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- C. No tees, double tees, or crosses, or double-hub pipes, shall be permitted; and
 - D. All changes in grades shall be made with appropriate one-eighth bends.
- (5) Cleanouts shall be installed every ninety feet of straight run and at each ninety degree direction change (two forty-five degree connections). All cleanouts shall be plugged, and shall be accessible at any time. All new sewer connections shall have an outside cleanout within ten feet of the building.
 - (6) All lines shall be laid at a minimum one-eighth inch per foot grade and a maximum one-half inch per foot grade for six-inch building sewers.
 - (7) The method to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the Plumbing Code Rules (Part 7) issued by the Michigan Department of Labor Construction Code Commission.
 - (8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewerline shall be laid parallel to the building, within three feet of the outside bearing wall, except a direct connection for the building. The depth shall be a minimum of forty-two inches from the top of the pipe, whenever possible.
 - (9) In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by a pumping system and discharged to the building sewer.
 - (10) All excavation for building sewer installation, connection and repair shall be pursuant to appropriate permits and shall be adequately guarded by barricades and lighting so as to protect the public from hazard. Streets, sidewalks, alleys, parkways, and other property disturbed in the course of the installation and construction work shall be restored in a manner satisfactory to the relevant municipality.
 - (11) All building sewers servicing a building containing more than two residential units shall, in addition to the other requirements provided for herein, be air tested, at the Village's discretion, and approved by the Village.
 - (12) The connection of the building sewer to the public sewer shall be made at the wye branch or manhole designed for that property if such outlet is available at a suitable location. Any connection not made at the designated outlet in the main sewer shall be done in accordance with the requirements of the Village engineers.

(b) Connection Regulations.

- (1) No person shall uncover, make any connections with or openings into, alter or disturb any public sewer, building sewer, or appurtenance thereto without first obtaining a written connection permit from the Village.
- (2) The fee, if any, for the connection permit shall be an amount established by ordinance or resolution of the Village.
- (3) The owner or contractor applying for a connection permit will receive three copies of the permit, one copy each for the contractor and the property owner, with the third copy to be returned to the Village with a sketch of the installation on the back showing all dimensions, directions, and other important information concerning the installation. The latter copy will remain the property of the Village.
- (4) No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, forcemains, and the sewage treatment plant, including capacity for the treatment of B.O.D. and suspended solids.
- (5) All connections and/or repairs to the system will be made by a contractor or licensed plumber registered with the Village provided, however, that a property owner may make his or her own installation and connection so long as he or she has secured a connection permit.
- (6) All contractors and plumbers making connections and/or repairs to the system shall file a license and/or a permit bond with the Village in the amount of ten thousand dollars (\$10,000) or such amount as the Village shall require, and in addition shall provide the Village with a copy of their plumber's or contractor's license from the State of Michigan, if such license is required by the State, and a copy of their liability insurance policy (providing a minimum of one hundred thousand/three hundred thousand dollars (\$100,000/\$300,000) personal liability protection and five hundred thousand dollars (\$500,000) property damage protection) prior to performing any connections or repairs to the system. Said bond shall indemnify the Village against all losses or damages caused the Village by reason of the contractor's or plumber's breach of the provisions of this chapter or any rule or regulation relating thereto. The Superintendent may, upon notice of a violation, revoke the connection permit issued by the Village under this section. Said revocation shall become final unless the permit revocation is reversed by the Village.

- (7) No person shall connect roof downspouts, foundation drains, areaway drains, swimming pool drains, or any sources of surface or ground water to a building sewer which in turn is connected to the Village sanitary sewer system.
- (8) No building sewer shall be covered until after it has been inspected and approved by authorized personnel of the Village or its designee.
- (9) Any construction of a sanitary sewer within the public right-of-way which is required after completion and acceptance of the public system described herein shall be charged to the property owner requesting connection. Said charge shall be the actual cost of such construction plus ten percent thereof for administrative expense. Payment shall be made as follows:
 - A. Not less than fifty percent of the estimated cost shall be deposited with the Village prior to commencement of construction; and
 - B. The balance, if any, of said costs and administrative fees shall be paid upon completion of construction.

(Ord. Unno. Passed 4-12-99; Ord. 2001-04. Passed 2-21-01; Ord. 2003-13. Passed 10-13-03.)

1048.07 DISCHARGES TO THE PUBLIC SEWER.

(a) Storm, Ground and Unpolluted Water.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, or roof water to any sanitary sewer.
- (2) Storm water, ground water and all other unpolluted drainage (including non-contact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for said purpose.

(b) Prohibited Discharges; Preliminary Treatment.

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
 - B. Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil or grease.
 - C. Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive, liquid, solid, or gas.
 - D. Any garbage that has not been properly shredded.
 - E. Any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feathers, tar, plastics, woods, paunch manure or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works.

- F. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment facility.
 - G. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - H. Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards, and all other State and Federal regulations.
 - I. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (2) Prohibitions of this chapter shall conform to Section 307A of the Clean Water Act. 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 Village, that such wastes can or will harm either the sewers, sewage treatment processes or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or health or constitute a nuisance. Such prohibited matter or substances shall include the following:
- A. Discharges containing a five-day BOD greater than 300 mg/l or containing more than 350 mg/l of suspended solids;
 - B. Discharges containing any quantity of substances having the characteristics described in paragraph (b)(1) hereof;
 - C. Discharges having a chlorine demand of more than fifteen milligrams per liter; or
 - D. Discharges having an average daily flow greater than two percent of the average daily flow tributary to Village of Caseville wastewater treatment facility.
- Discharges having a total phosphorous concentration greater than twelve milligrams per liter as phosphorus shall be subject to review and approval for acceptance by the Village.
- (3) Preliminary treatment shall be provided, at no expense to the Village, as may be necessary to reduce the B.O.D. to 300 mg/l and suspended solids to 350 mg/l, or to reduce objectionable characteristics of said effluent to within the maximum limits

provided for in paragraph (b)(1) hereof, or to control the quantity and rates of discharges of such waters or wastes. On direction of the Village, a person may be required to remove, exclude, or require pretreatment of any industrial waste, in whole or in part, for any reasons deemed to be in the Village's interest. Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Village. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Village, and no construction of such facility shall be commenced until said approvals are obtained in writing. The Village may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with Federal and State laws and regulations.

(c) Grease, Oil and Sand Interceptors (Traps).

- (1) Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme change in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.
- (2) Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(d) Industrial Wastes.

- (1) The owner of any property served by a building sewer carrying industrial wastes may be required by the Village to install a suitable control manhole or other structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, or structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Village. The manhole or structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

- (2) All measurements, tests and analyses of the characteristics of waters and wastes to which references are made in subsection (b) hereof shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedures for the Analysis of Pollutants, Federal Regulations, 40 CFR 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole or structure provided for in paragraph (d)(1) hereof.
- (e) Accidental Discharges.
 - (1) Protection plans required. Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village Engineer for review and shall be approved by the Village before construction of the facility. All required users shall complete such a plan within ninety days after the effective date of this chapter. In the alternative, non-domestic users that currently have State required "Pollution Incident Prevent Plans" (PIPP) may submit the PIPP plan in satisfaction of this requirement. If required by the Village, a user who commences contributions to the system after the effective date of this chapter shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Village. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Superintendent of the incident. The notification shall include the location of the discharge, the type of waste, the concentration and volume, and the corrective action taken.
 - (2) Written notice. Within five days following an accidental discharge, the user shall submit to the Superintendent of the system a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future

occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, fish kills or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

- (3) Verbal notice. Any industrial user hereunder, in the event of an accidental or other unauthorized discharge of prohibited materials to the system, shall immediately notify the Village of the fact of such discharge and shall:
- A. Describe with particularity the approximate time of the discharge;
 - B. Describe the nature, chemical and biological make-up and characteristics of the discharge, if known; and
 - C. Indicate the approximate quantity of the discharge.

In addition, said industrial user shall, at its own expense, take all steps directed by the Village to terminate such discharge and prevent its recurrence. Failure to cooperate fully with the Village in the prevention of additional prohibited discharges, including such pretreatment as required, may result in termination of service and revocation of the permits required herein.

- (4) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who could cause or suffer from such a dangerous discharge are advised of the emergency notification procedure.
(Ord. 90-2. Passed 8-2-90.)

1048.08 DAMAGING THE SYSTEM.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with the system or any component thereof.
(Ord. 90-2. Passed 8-2-90.)

1048.09 INDUSTRIAL USERS.

Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the Village with the following information or material:

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

- (b) A plan map of the building, works, or complex with each outfall to the surface water, sanitary sewer, storm sewer, natural watercourse, or ground water noted and described, and the waste stream identified.
- (c) Test samples and reports to the Village and to the appropriate State agencies on characteristics of wastes on a schedule, at locations and according to methods approved by the Village and the State of Michigan.
- (d) A statement that waste treatment facilities, process facilities, waste streams, or other potential waste problems have been placed under the specified supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
- (e) Reports on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as these factors may pertain to waste control.
- (f) Records and file reports maintained on the final disposal of specified liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.
- (g) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Village, subject to approval by the Village and by appropriate State of Michigan agencies.

(Ord. 90-2. Passed 8-2-90.)

1048.10 CONNECTION OF PRIVATELY CONSTRUCTED SANITARY SEWER SYSTEMS TO THE PUBLIC SYSTEM.

Before any sanitary sewer system constructed by private, as distinguished from public, funding, hereinafter referred to as private sanitary sewers, shall be permitted to be connected to the public system, the owner of said system, hereinafter referred to as the developer, shall do and provide the Village with the following:

- (a) Provide the Village with the developer's plans and specifications for construction, an estimate of the cost of construction, and a performance bond, and deposit with the Village the sum of one percent of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the Village in an escrow account in the name of said developer.
- (b) Obtain approval of the Village Council of the plans and specifications.
- (c) Secure all necessary permits for construction.
- (d) Upon commencement of construction of the private sanitary sewer, deposit with the Village in the escrow account referred to in subsection (a) hereof a sum of five percent of the cost of construction to cover the anticipated cost of inspection of construction and payment of connection charges.

- (e) Upon completion of construction of the private sanitary sewer to the system, the performance bond, upon recommendation of the City Engineer and approval of the City Council, shall be released, and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the City in assuring the City that the private sanitary sewer is properly operating shall be deducted therefrom or charged directly to the developer, at the option of the City.
(Ord. 90-2. Passed 8-2-90.)

1048.11 MAINTENANCE OF PUBLIC SANITARY AND BUILDING SEWERS.

The City shall be responsible for cleaning and maintaining public sanitary sewers, but shall not clean and maintain building sewers. Building sewers shall extend from buildings to public sanitary sewers and shall include wyes or tees for connection to public sanitary sewers.
(Ord. 90-2. Passed 8-2-90.)

1048.12 POWER AND AUTHORITY OF INSPECTORS.

(a) Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements sampling and testing in accordance with the provisions of this chapter.

(b) Duly authorized employees of the City may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this chapter or detrimental to the system.

(c) No owner or occupant shall build, construct or take any other action that will deny the City access to the water and/or sewer right-of-way on his or her property. Any building, fence, shrub, tree, plant or other obstacle hindering the City's access to the water and/or sewer right-of-way shall be removed at the expense of the owner or occupant, and the owner or occupant shall be liable to the City for the cost of removal of the obstacle at a rate and amount to be set by Council.

(d) Duly authorized employees of the City shall inspect the on-site work occurring by reason of any system permit. Such person shall have the right to issue a cease and desist order on the site upon finding a violation of said permit or of this chapter. The order shall contain a statement of the specific violation, the appropriate means of correcting the same and the time within which such correction shall be made.
(Res. 96-67. Passed 6-10-96.)

1048.13 SYSTEM CHARGES AND RATES.

(a) Generally. Upon adoption of this chapter by the City Council of the City of Caseville, charges for sewage transmission, treatment and disposal and debt service to each user connected to the system shall be as currently established by ordinance and/or resolution of the City Council, which rate, resolution or ordinance is hereby expressly confirmed as applicable to sewage transmission and treatment, disposal and debt service currently charged to each user connected to the system. All bills for service hereunder shall be rendered to the property owners or land contract vendees of the property using said sanitary sewer service.

- (1) Single-family homes. Each single-family residential premises shall be presumed to generate a flow to the City sanitary sewer system of 222 gallons per day of average flow, or 20,000 gallons per quarter.
- (2) Table of Equivalent Unit Factors. For all other uses of the system, and except as otherwise provided herein, the City hereby adopts a Table of Equivalent Unit Factors for the City of Caseville wastewater collection and treatment system, which Table follows this chapter as Appendix I. Said Table shall set forth and identify the use class and all applicable factors to be multiplied by the quarterly charge established for single-family residential premise, which is herein designated as a residential equivalent (RE). Said table may be modified or amended from time to time by resolution of the City.
(Ord. 90-2. Passed 8-2-90.)

- (3) User charges; meters. User charges shall be as follows:

- A. Metered users. All users shall have water meters, which shall be the basis for measuring wastewater discharge to the City wastewater facilities. Meters shall be read monthly or at such other period as may be determined by the City.

System operation, maintenance and replacement (OM&R) shall be funded solely by the user charges. OM&R shall be equal for all users, both inside and outside the City.

Separate water meters shall be used for lawn sprinkling if that water is not to be charged as wastewater flow.

User charges may be modified from time to time by resolution of the City Council.

(Res. 2001-17. Passed 2-21-01; Ord. 2010-04. Passed 8-9-10.)

- B. Flat rate charge for nonmetered users. All nonmetered users of the sewer system shall be charged a flat rate charge each quarter based upon typical water usage. Initially, flat rate charges shall be as provided in the following table:

Flat Rate Charges

Residential \$61.00 per R.E. per quarter
Commercial \$94.00 per R.E. per quarter
(Ord. 91-5. Passed 9-9-91; Res. 92-76. Passed 8-10-92; Res.
97-93. Passed 9-8-97.; Res. 2000-31. Passed 2-24-00.)

- C. Additional charges for nonmetered users.
1. The Caseville City Council hereby establishes a monthly nonmetered sewer charge, per RE factor, as follows:
 - a. Commercial - \$100.00 per month (\$300.00 per quarter).
 - b. Single-family residents with commercial combined - \$50.00 per month (\$150 per quarter).
 - c. Single-family residents - \$40.00 per month (\$120.00 per quarter).
 2. All residential and commercial users needing meters shall be notified by registered mail and be given a forty-five day notice to connect the required meters. This charge shall become effective July 8, 1991.
 3. The nonmetered charges shall also be applied to accounts with broken meters and/or no remote upon proper forty-five day notice as provided for herein.
 4. Nonmetered charges are in addition to the mandatory established charges.
(Res. 91-107. Passed 7-8-91.)
- (4) Rules for interpreting Table of Equivalent Unit Factors.
- A. The minimum equivalent factor for all users shall be one RE.
 - B. Equivalent units for user not originally contained in said Table may be added thereto from time to time by resolution of the City Council.
 - C. Where multiple metered businesses exist at one location, the various businesses shall be combined for determining the sewer service charge.
- (5) Revision or modification of equivalent units. The equivalent units of users set forth in the Table attached to original Resolution 97-94, passed September 8, 1997, will be for the purpose of setting a tap-in fee. After the tap-in fee has been paid all users will remain at a one RE unless the user is a multiple unit user. Unless the equivalent unit factor of such user is changed by resolution of the City Council on or before the fifteenth day of the last month preceding the commencement of the system fiscal year, the equivalent unit factor of such user shall remain the same as it was for the preceding fiscal year. Failure to specifically review as provided herein shall not cause said factor to be omitted and shall not be considered grounds for discontinuance of said factor.

- (6) Appeal. A property owner having an equivalent unit factor of more than one, or a metered use, may, upon written request, appeal to the Caseville City Council.
- (7) Effective dates for application of equivalent units. Where equivalent units are used to determine the connection, service and other charges of a property owner, the equivalent unit used in the calculation of such charges shall be the equivalent unit factor assigned to said factor as of the following dates:
 - A. For calculating a direct connection charge, the date the property owner applies for the permit or the last day of the period during which he or she is required by this chapter to connect to the system, whichever comes first.
 - B. For calculating the operation, maintenance and replacement service charge, the date the property owner's available sanitary sewer becomes operational and thereafter on the first day of the last month preceding the commencement of the system fiscal year.
- (8) Service to Caseville Village. For the reasonable cost value of sewage disposal services rendered to the Village and its various departments by the system, the Village shall pay according to the amounts set forth in the Table of Equivalent Unit Factors.
- (9) Operation and maintenance surcharge. The rates and charges set forth herein notwithstanding, if the character of the sewage of any user shall impose an unreasonable or additional burden upon the sewage disposal and/or transmission system of the City, then and in that event an additional charge shall be made over and above the rates herein established. Effluent in excess of the maximum limitations imposed by this chapter shall be deemed prima-facie subject to surcharge. If necessary to protect the system or any part thereof, the City shall deny the right of any user to empty such sewage into the system. Surcharges required by this section shall be computed as the pro-rated share of the annual cost of operation and maintenance, including replacement, attributable to treating the substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each periodic billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. Surcharge rates shall be established by resolution of the City. Surcharges applicable to industrial users shall be as set forth in Section 1048.14.
- (10) Private connection and inspection fees. The cost of connecting private premises to the City sewer system shall not be paid from the proceeds of

the bond issue or from the revenues of the system, but shall be paid by the property owners. In addition, each premises connecting to the facilities of the system shall pay a charge for the inspection of such connection. Such charge shall be payable in cash upon application for a permit to connect to said system and shall be in the amount of twenty dollars (\$20.00) for each sewer connection. Each unit in a multiple commercial premises, each living unit in a duplex, apartment or housing project and each mobile home space in a mobile home park shall be treated as a separate user, and a separate inspection charge shall be made for each such user, provided, however, that such charge shall be made only once for each sewer service to each mobile home space in a mobile home park upon application for sewer service to such park.

(Ord. 90-2. Passed 8-2-90; Res. 97-94. Passed 9-8-97.)

- (11) Capacity charge (indirect connection charge). There shall be paid for each single-family residential premises or single-family residential equivalent (RE) connecting to any sewer lines, in cash, at the time of application for the connection permit for the privilege of indirectly using the facilities of such sewer system, and receiving service therefrom, the amount of one thousand dollars (\$1,000), plus such other charges as may be levied hereunder. For all multiple residential dwellings, whether connecting directly or indirectly to the sanitary sewer system, there shall be paid, in cash, for sewage treatment and transmission capacity, the sum of one thousand dollars (\$1,000) for each residential equivalent (RE). Premises subject to the indirect connection charge (capacity charge) and all other premises other than single-family residences and multiple residential dwellings connecting directly to said sanitary sewer system shall pay said amounts multiplied by the factor developed in the formula established by the Table of Equivalent Unit Factors pursuant to paragraph (a)(2) hereof. Any improved parcel connecting to the City sewer system existing as of the effective date of this chapter shall be entitled to make payment of the connection fee of one thousand dollars (\$1,000) per residential equivalent (RE) over a period of thirty years at a rate of six percent per annum. At the time of sale or owner transfer of property, the outstanding installment balance must be paid in full.

(Ord 91-5. Passed 9-9-91; Res. 97-94. Passed 9-8-97.)

- (12) Charges for delinquent payments.

A. There is hereby established a penalty charge of one and one-half percent per month on all outstanding charges, excluding penalties, for sewer users. Such penalty shall be calculated on the twenty-sixth

day of each month and shall be effective on all charges beginning October 1, 1991. Rate amendments shall be published in full in a conspicuous form at least two columns wide in a newspaper of general circulation in the City, as set forth in Section 1044.05.

- B. The penalty for unpaid accounts will be waived if at least one-half of the quarterly bill balance is paid by the 25th of the month of bill issuance. The remaining balance must be paid by the 25th of the month following the month of issuance.

(Adopting Ordinance; Ord. 2010-04. Passed 8-9-10.)

(b) Voluntary Connections. Voluntary connections for owners of premises outside the district may be allowed, subject to the capacity of the district collection and treatment system to transport and treat such wastewater.

- (1) The owner shall pay the actual cost of all pipe, risers, stubs, wyes or other apparatus and the costs of all labor necessary to accomplish said connection, and, in addition thereto, shall pay a permit-inspection fee of fifty dollars (\$50.00), an indirect connection charge, and such acreage fee as determined by the City to be consistent with previous districts.

- (2) The connection to, and use of, the system by such premises shall be by gravity flow except by prior approval of the Village.
- (3) The surface of any disturbed right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.
- (4) The owner shall obtain prior approval from the Village of all plans and specifications and materials to be utilized to accomplish said connection. The Village may charge the owner the actual cost incurred by the Village for the review and approval of plans and specifications, and for inspection costs incurred during construction.
- (5) All wyes, stubs, pipe, risers or other apparatus not owned by the district shall, after installation and inspection, become for purposes of operation and maintenance, the responsibility of the owner. The responsibility of the Village of Caseville for operation and maintenance shall be limited to sewer mains, manholes, lift stations, and the wastewater treatment plant located within the district.
- (6) Upon voluntary connection as hereinbefore set forth, said owner and premises shall be subject to all ordinances, resolutions, rules and charges relating to use of the system then in effect and thereafter amended.

(c) Denial of Voluntary Connection. The Village may deny the application of any person for sanitary sewer use hereunder. Criteria for denial shall include, but not be limited to:

- (1) Noncompliance with relevant Village sewer and land use ordinances, regulations and plans.
- (2) The effect of such proposed use upon the Village sewer system as a whole.
- (3) The then current sewer transmission and treatment capacity.
- (4) Prior commitments for sewer availability.
- (5) Litigation or other contingency requirements which may result in additional sewer use.
- (6) Immediate or emergency health considerations.

(d) Contractual Rates. The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the Village and the users or class of users whereby sanitary wastes of unusual strength or character of such user or class of users may be accepted into the system, subject to payment therefor by said user or class of users.

(Ord. 90-2. Passed 8-2-90.)

(e) Revision of Rates and Charges. The rates and charges shall be set so as to recover costs from classes of customers in reasonable proportion to the cost of serving those classes of customers. The rates established by this chapter shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance costs, debt service charges and such other charges and expenditures for the system. Such rates shall be revised from time to time as required to maintain the fiscal integrity of the system, and the same may be revised and fixed by resolution of the Village as may be necessary to produce the amounts required to pay such charges and expenditures and provide the funds necessary for the maintenance of the financial integrity of the system.
(Ord. 2000-6. Passed 3-20-00.)

(f) Deferring Charges. No free service shall be furnished to any user of the system, and there shall be no waiver or forgiveness of charges levied pursuant to the terms of this chapter. The foregoing notwithstanding, any resident eligible for deferment of payment of such fees pursuant to the laws of the State of Michigan shall be afforded ample opportunity to request such deferment or partial payment in accordance therewith.

(g) Special Assessment Charges. The foregoing notwithstanding, nothing contained in this chapter shall be construed as limiting, modifying or amending the special assessments levied against certain properties within the Village in connection with the construction of sanitary sewers, which special assessment charges shall be due and payable according to the terms of the resolutions and actions of the Village wheretofore taken.

(h) Enforcement of Charges.

(1) Non-payment of special assessment and/or connection and capacity charges. Non-payment of said charges shall subject the property owner to liability for such charges and penalties as hereinbefore provided for a late or delayed connection.

(2) Non-payment of service charge.

A. Discontinuance of service. In the event a service charge established pursuant to subsection (a) hereof remains delinquent for a period in excess of three months, the Village shall have the right to shut-off and discontinue water and/or sewer service to such user. Such service shall not be re-established until all delinquent charges, penalties and a charge for the discontinuance of such service shall be paid. Said shut-off charge shall be established by resolution of the Village.

- B. Collection by litigation. In addition to discontinuing service to said user, the Village shall have the option of collecting all such delinquencies and penalties, including actual court costs and legal fees, due hereunder by legal proceedings in a court of competent jurisdiction.
- C. Collection by enforcement of lien. The charges for sewer service within the Village, including penalties due thereon, are hereby made a lien on the premises served thereby. Whenever any such charge against any piece of property is delinquent for six months, the Village officials in charge of the collection thereof shall certify to the Village Assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises are collected. Provision for collection of service charges, including penalties for delinquent service charges for areas outside the Village limits, shall be by contractual agreement between the Village and owners of said connections outside the Village.

(Ord. 90-2. Passed 8-2-90; Ord. 2009-08. Passed 5-11-09.)

(i) Construction of Extensions and Improvements. Extensions of and improvements to the wastewater collection and treatment system shall be constructed when the same become necessary or proper, in the judgment of Council. The cost of all improvements to, and extensions of, the wastewater collection and treatment system shall be at the expense of the person or properties benefitting from the improvements or extensions, reasonably proportioned to the benefits received, or at the expense of the General Fund of the Village.

(Ord. 2000-6. Passed 3-20-00.)

1048.14 OPERATION AND MAINTENANCE SURCHARGES.

(a) Surcharges for B.O.D. and suspended solids are hereby established as follows:

| | <u>B.O.D.</u> | <u>Suspended Solids</u> | <u>Phosphorous</u> |
|---|----------------|-------------------------|--------------------|
| Operation and Maintenance (including replacement) | \$0.05 per lb. | \$0.05 per lb. | \$0.80 per lb |

2009 Replacement

The rates stated herein shall be effective on the first day of July, 1989, except as otherwise provided. A billing covering the use of the system before and after the effective date of a rate change shall require the proration of the bill based on the average use per day and the number of days within such billing period at the rate then in effect.

(b) Surcharges shall be collected with the sewer service billings.

(c) The rates established herein for surcharges may be revised by resolution of the Village of Caseville Council, and the Village, by resolution, shall establish when such rates shall be billed and paid.

(d) In addition to requiring the industrial user to install a manhole to monitor the strength of its industrial waste pursuant to the terms of this chapter, the industrial user may be required by the Village at its sole discretion, to install at the user's expense, an approved meter to register accurately all water flowing to the system for purposes of implementing the foregoing rates and the service charges established under the terms of this chapter.

(Ord. 90-2. Passed 8-2-90.)

1048.15 PRETREATMENT FEES.

(a) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the POTW for the implementation of the pretreatment program established in this chapter. The applicable charges or fees shall be set forth in the Village schedule of charges and fees.

(b) Charges and Fees. Charges and fees levied pursuant to this section shall be used for the following purposes:

- (1) For reimbursement of costs of setting up and operating the pretreatment program;
- (2) For monitoring, inspection and surveillance procedures;
- (3) For reviewing accidental discharge procedures and construction;
- (4) For filing appeals;
- (5) For consistent removal by the Village of pollutants otherwise subject to Federal pretreatment standards; and
- (6) For other purposes as the Village may deem necessary to carry out the requirements contained herein.

(c) Additional Surcharges. Additional surcharges may be made by the Village to compensate the Village for the cost of the treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW. There shall be additional charges for laboratory testing of wastewater, as provided in subsection (d) hereof.

(d) Laboratory Charges. The laboratory charges shall be for the cost thereof and will be determined for each individual user. The charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

(Ord. 90-2. Passed 8-2-90.)

1048.16 FISCAL YEAR; RECORDS; FUNDS.

(a) Fiscal Year. The fiscal year of the sanitary sewer collection system shall end on February 28.

(b) Records and Accounts. The Village shall keep and maintain proper books, records and accounts, separate from all other records and accounts of the Village, in which shall be made full and correct entries of all transactions relating to the sanitary sewage collection and treatment system. The Village shall cause an annual audit of such books, records and accounts of the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit to authorized public officials upon proper request.

(c) Review of Records. The Village shall review not less often than every year the waste water contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The Village shall revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(d) Establishment of Funds.

- (1) Receiving Fund. The revenues of the system shall be set aside as collected and deposited in a separate depository account at a bank qualified to do business in the State of Michigan and designated by the resolution of the Village. Said account shall be designated as the Receiving Fund periodically in the manner and at the times hereinafter specified.

- (2) Operation and Maintenance Fund (O & M Fund). Out of the revenues of the Receiving Fund there shall be first set aside periodically into a depository account designated as the Operation and Maintenance Fund a sum sufficient to provide for the next succeeding period of all current expenses in the administration and operation of the system.
- (3) Replacement Fund. Out of the revenues of the system there shall be set aside annually into a depository account designated as the Replacement Fund the amount of which shall be used solely for replacement of worn or damaged major items of the Village wastewater collection and treatment system. Upon audit, the replacement sum may be revised as may be required to reflect current and/or anticipated replacement needs for the Village of Caseville Sanitary Sewer District.
- (4) Contract Payment Fund (Principal and Debt Service Fund). There shall next be established the Contract Payment Fund, which shall be used solely for the payment of the Village obligation to retire the principal and interest on any bond issues for construction and/or expansion of the wastewater collection and treatment system. Should the revenues of the system prove insufficient for this purpose, such revenues shall be supplemented by other funds of the Village legally available for such purposes.
- (5) Improvement Fund. There may be next established and maintained a depository account designated as the Improvement Fund, which shall be used solely for the purpose of making improvements, extensions and enlargements to the system. There may be deposits into said fund, after providing for the requirements of the funds heretofore enumerated, such revenues as the Village Council shall determine.
- (6) Surplus Fund. Monies remaining in the Receiving Fund at the end of any operating year after full satisfaction of the foregoing funds, shall be thereafter used in connection with any other project of the Village directly related to the sanitary sewer system. The Surplus Fund shall be reviewed not less than each two years in accordance with subsection (c) hereof. Funds dedicated to OM&R shall not be used for any other use.

(e) Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the money shall be allocated on the books and records of the Village within the single bank account in the manner set forth above.

(f) Deficiencies in Funds. In the event the monies in the Receiving Fund are insufficient to provide the current requirements of the Operation and Maintenance Fund or Contract Payment Fund, any monies and/or securities of other funds of the system, except funds in the Contract Payment Fund derived from tax levies, may be transferred to such fund, to the extent of any deficiency therein. In the event of such deficiency, rates and charges shall be adjusted to eliminate such deficiency and, in addition, shall be utilized to repay any funds borrowed for payment of such deficit.

(g) Investment of Funds. Monies in any fund or account established by the provisions of this chapter may be invested or deposited in obligations of the United States of America in a manner and subject to any limitations set forth in the laws of the State of Michigan. Income received from such investments shall be credited to the fund from which said investments were made, and pro rata in the case of a single bank account.

(Ord. 90-2. Passed 8-2-90.)

1048.17 INSURANCE.

The Village may maintain and carry insurance on all physical properties of the system, of a kind and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sanitary sewage disposal systems. All monies received from losses under any such insurance policy shall be applied solely to the replacement and restoration of the property damaged or destroyed.

(Ord. 90-2. Passed 8-2-90.)

1048.18 VIOLATIONS.

Whenever, by the provisions of this chapter, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this chapter. In addition, the failure, neglect or refusal to comply with a cease and desist order of the enforcing agency shall constitute a violation of this chapter.

(Ord. 90-2. Passed 8-2-90.)

1048.19 APPEALS.

Users of the Caseville sanitary sewer system may appeal sewer use charges (operation, maintenance and replacement charges), capital charges (charges for debt retirement and other capital costs) or any other aspect of this chapter. Appeals shall be directed to the Village of Caseville in writing and shall state the cause and basis for appeal. The Village shall notify users whenever rates are adjusted for any reason, including changes in charges for operation, maintenance, replacement, and debt service charges, and any other capital costs or capital charges. Users shall be notified of user charges at least once each year.

(Ord. 90-2. Passed 8-2-90.)

1048.20 FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be subject to the penalty provided in Section 1048.99. (Ord. 90-2. Passed 8-2-90.)

1048.99 PENALTY; EQUITABLE REMEDIES.

A person violating any of the provisions of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) and the cost of prosecution therefor, or by imprisonment in the County jail for a period not exceeding ninety days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation of this chapter is continued or is permitted to continue to exist shall constitute a separate offense, provided that no person shall be confined or jailed for a single but continuing violation for a period longer than ninety days.

The Village may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including damages for the costs or expenses thereof. The Village may join in such action or actions any number of property owners.

(Ord. 90-2. Passed 8-2-90.)

(Cont.)

APPENDIX I
Table of Equivalent Unit Factors

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|--|--|-------------------------------|
| Single family residential | 1.0 per dwelling | A-D-F-G |
| Single family residential where business is operated (home occupancy) | 1.5 per dwelling | G |
| Auto dealers | .40 per 1,000 sq. ft. | D-E |
| Auto repair shops | .30 per repair stall | D |
| Banks | 1.0 per bank | G |
| Barber shops | .14 per chair | A-C |
| Bars | .04 per seat | D |
| Beauty shops | .22 per booth | D |
| Boarding houses | .16 per person | A-C-F |
| Boarding schools | .27 per person | A-C |
| Body shops | 1.0 per each 15 employees or fraction thereof | G |
| Bowling alleys (no bar or lunch) | .16 per alley | D |
| Bowling alleys (bar and/or lunch) | .60 per alley | F |

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|--|---|-------------------------------|
| Car wash | | |
| (a) Manual, do-it-yourself | 2.5 per stall | D |
| (b) Semi-automatic (Mechanical without conveyer) | 12.5 per stall | D |
| (c) Automatic with conveyer | 33.0 per lane | D |
| (d) Automatic with conveyer conserving and recycling water | 8.4 per lane | D |
| Child care centers | .05 per person | G |
| Churches | .01 per seat | D-E |
| Cleaners (pick-up only) | 1.0 per establishment | G |
| Clinics (minimum 1.0/ profession) | .50 per doctor | D |
| Convalescent homes | .22 per bed | D |
| Convents | .20 per person | D |
| Country clubs | .08 per person | A-C-D |
| Dairy stores | .16 per employee | D |
| Department stores (with food) | .60 per 1,000 sq. ft. | G |
| Department stores (without food) | .40 per 1,000 sq. ft. | D-F |
| Drug stores (without fountain) | .40 per 1,000 sq. ft. | D-F |

1991 Replacement

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|--|--|-------------------------------|
| Factories (exclusive of excess industrial use) | .50 per 1,000 sq. ft. | D-E |
| Fire stations | .20 per person/24 hr. | G |
| Fraternal organizations (members only) | 1.0 per hall | D |
| Fraternal organizations (members and rentals) | 2.0 per hall | D |
| Fruit stand (cleaning- seasonal) | 1.1 per 1,000 sq. ft. | G |
| Garden center (nursery) | .16 per person | G |
| Government offices | .40 per 1,000 sq. ft. | D-E |
| Grocery stores & supermarkets | 1.1 per 1,000 sq. ft. | D-E |
| Hospitals | 1.09 per bed | A-C |
| Hotels (private baths) | .25 per bed | A-C-E-F |
| Laundry (self-service) | .40 per washer | D-E |
| Lumber yard | 1.0 per each 15 employees or fraction thereof | G |
| Mobile home parks | .50 one bedroom 1.0 two bedrooms or more | G G |
| Motor freight terminals | 1.0 per each 15 employees or fraction thereof | G |

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|---|--|-------------------------------|
| Motels | .25 per bed | E |
| Multi-family residence | | |
| (a) One bedroom | .5 per residence | G |
| (b) Two bedroom | 1.0 per residence | G |
| (c) Three bedroom | 1.0 per residence | G |
| Office building | .40 per 1,000 sq. ft. | D |
| Pets, plants and fish | 1.1 per 1,000 sq. ft. | G |
| Printing shop | 1.0 per each 15 employees or fraction thereof | G |
| Public institutions (other than hospitals) | 1.0 per each 15 employees or fraction thereof | G |
| Research and testing laboratories | 1.0 per each 15 employees or fraction thereof | G |
| Restaurants | | |
| (a) Conventional type (with or without drinks) | .05 per seat | A-B |
| (b) Quick serve, franchise type, without dishes, dealing mainly in hamburgers and sandwiches with or without eating in building | 5.6 per restaurant | D |
| Includes, but not limited to, McDonald's, Burger Chef, Burger King, Red Barn, Hardee's and Arby's | | |
| 1994 Replacement | | |

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|---|---|-------------------------------|
| (c) All other restaurants Includes, but not limited to: drive-ins, snack bars, carry-outs, such as fried chicken and pizza. Could have limited eating in building without dishes | 1.8 per restaurant | D |
| Rooming houses (no meals) | .167 per person | E |
| Schools | 1.5 per classroom | C-E |
| Sports centers | 1.0 per each 15 employees or fraction thereof | G |
| Service stations | 1.0 per station | G |
| Service stations (with car washing limited) | 1.25 per station | G |
| Stores (other than those specifically listed) | 1.0 per each 15 employees or fraction thereof | G |
| Swimming pools | 2.85 per 1,000 sq. ft. | D |
| Take-out (beer and liquor) | 1.0 per each 15 employees or fraction thereof | G |
| Tennis club | .08 per member | A-C-D |
| Theatre (drive-in) | .008 per car space | B-C |
| Theatres (inside) | .0001 x weekly hours of operation x no. of seats | B-C-E |

| <u>Usage</u> | <u>Residential Equivalent Unit Factor</u> | <u>Information Source</u> |
|---|--|-------------------------------|
| Travel trailer park (individual bath units) | .27 per cubical | A-B-C-E |
| Travel trailer park (individual bath units - seasonal only) | .27 per cubical | A-B-C |
| Used auto sales | 1.0 per each 15 employees or fraction thereof | G |
| Veterinarian hospitals | 2.0 per veterinarian | G |
| Warehouses | .10 per 1,000 sq. ft. | D-E |

1. Minimum rate for commercial or industrial user - 1.0 unit equivalents.
2. Rates not properly covered in this listing will be established by the Village Council.
3. Where a multiple business exists at one location (shopping centers), the various businesses will be combined for equivalents.

NOTE: 1 unit = 222 gallons per day or 80,000 gallons per year or 32.75 cu. ft. per day or 11,550 cu. ft. per year.

INFORMATION SOURCES:

- A. Cincinnati Report
- B. Gordon MacDougall Report to Wayne County
- C. Manual of Septic Tank Practice - Publication No. 526, U.S. Department of Health
- D. Oakland County Department of Public Works
- E. Genesee County Department of Public Works
- F. New Jersey State Department of Health
- G. Stauder, Barch & Associates Analysis\

2000 Replacement

Where, when and if the R.E. status of a user is in question, the Superintendent of Public Works is authorized to make a recommendation subject to approval by the Village DPW Committee and/or Council. The determination of the Superintendent is to be kept on file in the office of the Department of Public Works.

(Ord. 90-2. Passed 8-2-90; Res. 93-54. Passed 6-14-93; Ord. 2000-6. Passed 3-20-00.)

CHAPTER 1050
Utilities Generally

- 1050.01 Requests for delay in or relief from payment of bills.
- 1050.02 Payment for repairs needed because of alteration or covering of access to water or sewer service.

CROSS REFERENCES

- Sewers and sewer systems generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.
- Water quality - see Mich. Const., Art. 4, Sec. 52; M.C.L.A. Secs. 67.38, 323.1 et seq.
- Water supply generally - see Mich. Const., Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.
- Water traffic control - see GEN. OFF. 666.01(24), S.U. & P.S. 1062.03
- Water pollution - see GEN. OFF. 678.04, 678.07
- Water generally - see S.U. & P.S. Ch. 1040
- Water supply cross connections - see S.U. & P.S. Ch. 1042
- Water rates and charges - see S.U. & P.S. Ch. 1044
- Sewer and water connections - see S.U. & P.S. Ch. 1046
- Wastewater collection and treatment - see S.U. & P.S. Ch. 1048

1050.01 REQUESTS FOR DELAY IN OR RELIEF FROM PAYMENT OF BILLS.

Any request for a delay in payment or relief from payment of utility bills shall be submitted in writing to the Clerk, then transferred to the administrator and then transferred to the appropriate committee for a recommendation to Council.

(Motion of Council. Passed 5-13-96.)

1050.02 PAYMENT FOR REPAIRS NEEDED BECAUSE OF ALTERATION
OR COVERING OF ACCESS TO WATER OR SEWER SERVICE.

Residents of the Village shall pay for any repairs that are needed as a result of the resident altering or covering access to water or sewer service.
(Res. 96-33. Passed 6-10-96.)

TITLE SIX - Other Public Services

- Chap. 1060. Garbage and Rubbish Collection and Disposal.
- Chap. 1061. Recyclable Materials Management. (Repealed)
- Chap. 1062. Village Harbor.
- Chap. 1064. Cemeteries.
- Chap. 1066. Village Park.

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

- | | | | |
|---------|---|---------|--|
| 1060.01 | Definitions. | 1060.07 | Responsibility of owners for collection. |
| 1060.02 | Intent; rules and regulations. | 1060.08 | Rates and charges. |
| 1060.03 | Manner of collection. | 1060.09 | Contracts for collection. |
| 1060.04 | Receptacles. | 1060.10 | Handling of leaf waste. |
| 1060.05 | Collection from industrial and commercial premises. | 1060.11 | Brush pick-up policy. |
| 1060.06 | Unlawful deposits; burning. | 1060.99 | Penalty. |

CROSS REFERENCES

- Garbage and refuse generally - see M.C.L.A. Secs. 46.171 et seq., 123.241 et seq., 123.361 et seq.
- Municipal authority - see M.C.L.A. Secs. 123.301 et seq.
- Unlawful deposits - see GEN. OFF. 666.01(37)
- Sanitation generally - see GEN. OFF. Ch. 678
- Recyclable materials management - see S.U. & P.S. Ch. 1061
- Garbage and rubbish at Village Harbor - see S.U. & P.S. 1062.04
- Storage and disposal - see P. & Z. 1286.33
- Zoning requirements - see P. & Z. 1286.41

1060.01 DEFINITIONS.

As used in this chapter:

- (a) "Garbage" means the putrescible and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

1060.02 STREETS, UTILITIES AND PUBLIC SERVICES CODE 26B

(b) "Inhabited residential dwelling" means any room or combination of rooms in which one or more persons are residing in any multiple dwelling intended to serve more than one family. Each unit thereof shall constitute an inhabited residential dwelling, and each unit shall be assessed as such. Apartments shall be considered separate units, except in those cases where sleeping rooms are rented. It is the intent of this chapter to assess all structures (used as multiple dwellings on a unit basis), except those structures which are serviced by a commercial contractor which complies with Section 1060.05. The Sanitation Officer may determine the number of units at any given address, and anyone considering himself or herself aggrieved may, within twenty days following receipt of the first billing, protest his or her ruling to Council which may make a further determination, if necessary.

(c) "Rubbish" means the miscellaneous waste material resulting from housekeeping, including ashes, cartons, tin cans, metal, small packing boxes and waste papers, but excluding discarded materials from building construction, trees, brush and automobile bodies or component parts of any substantial weight or size.

(d) "Sanitation Officer" means the Superintendent of the Sanitation Division or other duly appointed representative of Council.

1060.02 INTENT; RULES AND REGULATIONS.

It is the intent of Council that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of collecting and disposing of Municipal wastes. The Sanitation Officer may make such rules and regulations as from time to time appear to him or her to be necessary to carry out this intent, provided that such rules and regulations do not conflict with this chapter.

1060.03 MANNER OF COLLECTION.

Garbage and rubbish shall be collected by Village-approved contractors or Village personnel at such times and pursuant to such rules and regulations as established by the Sanitation Officer. Such rules and regulations shall be published in a newspaper of general circulation in the Village at least once before such rules and regulations become effective and as often as the Sanitation Officer deems necessary.

1060.04 RECEPTACLES.

(a) The owner, occupant or lessor, or any agent thereof, of every premises where garbage and rubbish accumulate, shall cause to be provided for such premises sufficient and proper receptacles as herein prescribed. Receptacles that are broken, without handles or which otherwise fail to comply with this section, may be classed as rubbish and, after due notice to the user, may be collected as rubbish.

(b) Receptacles for garbage shall be kept on the premises in the rear thereof within an approved distance of the rear entrance to the dwelling or premises. Containers shall be placed at the curb on pick-up days, in a location readily accessible to the collectors. Where approved liners are used, it will only be necessary to place the liner and contents, securely bound at the top, at the curb.

(c) Garbage receptacles shall be of substantial approved construction, free of holes, with proper handles and a tight-fitting cover, and shall have a capacity of not less than ten gallons nor more than twenty gallons. No single receptacle shall weigh more than 100 pounds when full. Garbage receptacles shall be adequate in size and number to hold one week's accumulation. All garbage receptacles shall be maintained in a sanitary condition.

(d) Rubbish receptacles shall be metal or wooden bushel baskets with handles, in good condition, and shall weigh not more than 100 pounds when full. Rubbish containers other than metal or wooden baskets with handles in good condition, as herein specified, may be collected as rubbish without notice, except that garbage receptacles may be used as rubbish containers.

(e) Accumulations of rubbish larger than can be contained in a receptacle shall be securely tied in compact bundles not to exceed 100 pounds in weight and placed in a location designated by the Sanitation Officer.

(f) Empty containers shall not be left at the curb more than twenty-four hours.

(g) Ashes will be removed only when placed in rubbish containers as herein specified and shall not contain live coals.

(h) No person shall disturb the contents of any garbage or rubbish receptacle or bundle or leave the receptacles or contents in a condition other than this chapter provides.

1060.05 COLLECTION FROM INDUSTRIAL AND COMMERCIAL PREMISES.

The City shall designate approved contractors or may provide City personnel for the collection of industrial and commercial garbage and rubbish. Any fees or charges for such service to industrial and commercial establishments by a contractor shall be subject to the review of Council.

1060.06 UNLAWFUL DEPOSITS; BURNING.

(a) No person shall bury or burn any garbage, or deposit garbage or rubbish upon any public way or upon any property owned by another or in any body of water in the City. No person shall deposit or place any garbage upon any premises owned or occupied by him or her unless the garbage is enclosed in a suitable container as herein required.

(b) No waste material or rubbish, except leaves on such days as shall be designated by the Sanitation Officer, shall be burned in the City contrary to the health or fire regulations, or in any manner so as to cause offensive smoke, objectionable odors or a fire hazard. In those cases where burning is carried on, not in conflict with these provisions, it shall be done within an incinerator of a design and construction approved by the Sanitation Officer. In no case will the burning of garbage be permitted in the City without the approval of Council, except in duly installed double chamber incinerators located in buildings.

1060.07 RESPONSIBILITY OF OWNERS FOR COLLECTION.

Every owner, occupant or lessor, or any agent thereof, of any building where garbage or rubbish accumulates shall arrange with the Sanitation Officer for garbage and rubbish collection.

1060.08 RATES AND CHARGES.

(a) The rates for garbage, rubbish and leaf and brush collection shall be established by Council resolution and amended at such times as deemed necessary by Council to defray the cost of collection.
(Ord. 2003-13. Passed 10-13-03.)

(b) Statements shall be rendered quarterly on April 1, July 1, October 1 and January 1. (Ord. 90-3. Passed 9-10-90.)

(c) All charges for garbage, rubbish and leaf and brush services shall be payable twenty-five days following the date of billing. Charges not paid within twenty-five days after the date of billing shall be subject to a collection charge established by Council resolution and amended at such times as deemed necessary by Council to defray the cost of collection.
(Ord. 91-6. Passed 9-9-91; Ord. 2003-13. Passed 10-13-03.)

(d) (1) The charges for garbage, rubbish and leaf and brush services are hereby made a lien upon the premises served thereby. Whenever any such charge against any premises is delinquent for six months, the City officials in charge of the collection thereof shall certify to the City the fact

of such delinquency, whereupon such charges shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected.

- (2) The penalty for unpaid accounts will be waived if at least one-half of the quarterly bill balance is paid by the 25th of the month of bill issuance. The remaining balance must be paid by the 25th of the month following the month of issuance.

(Ord. 90-3. Passed 9-10-90; Ord. 2003-13. Passed 10-13-03; Ord. 2009-08. Passed 5-11-09; Ord. 2010-04. Passed 8-9-10.)

(e) There is hereby established a penalty charge of one and one-half percent per month on all outstanding charges. The penalty charge shall be calculated on the twenty-sixth day of each month. The penalty charge shall be effective on all charges beginning November 1, 2003.

(Res. 91-129. Passed 9-9-91; Ord. 2003-13. Passed 10-13-03.)

1060.09 CONTRACTS FOR COLLECTION.

In the interest of providing the services contemplated in this chapter, Council may enter into contracts with one or more contractors to provide the services required by this chapter. No person shall undertake to dispose of garbage or rubbish for others, without authority of Council, and without there being in existence a contract between the City and the person for such purpose.

1060.10 HANDLING OF LEAF WASTE.

The methodology for separating, collecting and disposing of leaf waste shall be established by resolution of the City Council. Leaf waste shall not be left at the curbside sooner than seventy-two hours prior to collection and shall not be left in a form that obstructs the flow of traffic or affects the performance of drainage facilities or catch basins.

(Ord. 2003-13. Passed 10-13-03.)

1060.11 BRUSH PICK-UP POLICY.

Property owners who cut or authorize the removal of a tree from their property will be responsible for disposing of the brush. The City will only pick up brush from general yard clean-ups or from fallen limbs. Brush will be picked up by the City during the first week of each month for a period of six months, from May through October of each year.

(Ord. 2003-13. Passed 10-13-03.)

1060.99 PENALTY.

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)

CHAPTER 1061
Recyclable Materials Management

(EDITOR'S NOTE: Chapter 1061 was repealed in its entirety by Ordinance 2003-13, passed 10-13-03.)

2003 Replacement

CHAPTER 1062
Village Harbor

| | |
|---------------------------------------|--|
| 1062.01 Harbor limits. | 1062.06 Obstructions; preventing free passage. |
| 1062.02 Definitions. | 1062.07 Abandoning vessels. |
| 1062.03 Water traffic control. | 1062.08 Property maintenance. |
| 1062.04 Dumping; garbage and rubbish. | 1062.09 Operation of watercraft. |
| 1062.05 Pilings. | 1062.10 Violations. |
| | 1062.99 Penalty. |

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23
Municipal navigational facilities - see M.C.L.A. Secs. 281.541 et seq.
Harbor Development Act - see M.C.L.A. Secs. 281.1251 et seq.
Harbor Master - see ADM. Ch. 248
Village/Township Harbor Commission - see ADM. Ch. 294
Speed limits on Pigeon River - see TRAF. 470.01
Docking privileges on Pigeon River - see TRAF. 470.02
Destruction of water traffic devices - see GEN. OFF. 666.01(24)

1062.01 HARBOR LIMITS.

The Village Harbor shall include all the navigable waters in the Village and all lagoons, wing dams, wharves, docks, revetments and piers adjacent thereto.

1062.02 DEFINITIONS.

As used in this chapter, "vessel, craft and float" includes every kind of steam, sailing or other craft or vessel, and every barge, raft or scow, including all gasoline or hand-propelled craft.

1062.03 WATER TRAFFIC CONTROL.

The Village Harbor Master shall give such orders and directions relative to the location, change of place or station, manner of moving or use of the Harbor of or by every vessel, craft or float lying, moving, anchored or laid up in the Harbor as may be necessary to promote good order therein and the safety and equal convenience of such vessels, craft and floats, and to regulate the same so that the Harbor shall not be unnecessarily congested.

1062.04 DUMPING; GARBAGE AND RUBBISH.

No person shall throw, dump or deposit, or cause or permit to be thrown, dumped or deposited, any garbage, refuse or other unwholesome substance, or any stone, timber, rubbish, junk or similar substance, upon the margin, within the limits of the City or into the waters of the City, including but not limited to, the Harbor, Pigeon River, and Lake Huron.

(Ord. 2016-13. Passed 12-12-16.)

1062.05 PILINGS.

No person shall drive any piles or deposit any timber, stone or other substance or structure so as to project above or below the surface of the waters of the Harbor or any part thereof, or beyond the established dock lines, without written permission of the Village Harbor Master. All pilings, timber, stone or other substance or structure so placed or laid is hereby declared to be a public nuisance.

1062.06 OBSTRUCTIONS; PREVENTING FREE PASSAGE.

No vessel, craft or float shall be moored or anchored in the Harbor or laid up along side any dock or wharf in such a manner as to prevent the passage of other vessels, crafts or floats. The Village Harbor Master may remove, or order the removal of any vessel, craft or float so anchored, moored or laid up when it is necessary to do so to facilitate the passage of other vessels, crafts or floats.

1062.07 ABANDONING VESSELS/STRUCTURES.

(a) No person shall allow any vessel, craft, structure or vehicle to sink or remain in the Harbor. Any vessel, craft, structure or vehicle which shall be or allowed to sink or remain in the Harbor is hereby declared to be a public nuisance and may be removed at the expense of the owner or party leaving the craft or any of the abovementioned structures.

(b) All docks or structures, on or in the navigable section of the Pigeon River through the Village, shall be removed by November 15th of each year to prevent movement by ice flows. Docks or structures may be installed after March 15th of each year, after the river ice has melted, conditions permitting.

(Ord. 2009-09. Passed 5-11-09.)

1062.08 PROPERTY MAINTENANCE.

Every person owning, leasing or in possession of premises abutting on the Harbor shall at all times keep the wharves, docks and revetments of such premises in good repair and condition. No person owning, leasing or in possession of premises abutting on the Harbor shall encroach upon the Harbor lines as now established or as may hereafter be established.

1062.09 OPERATION OF WATERCRAFT.

Every person operating a vessel, craft or float shall do so in a manner that will not endanger the lives of property of other persons using the Harbor facilities. Every person shall, at all times, observe all laws and regulations governing the operation of such craft as enacted by the State.

1062.10 VIOLATIONS.

No master, owner or person in possession, charge or control of any vessel, craft or float, or any other person, shall violate any of the provisions of this chapter, or refuse or otherwise fail to comply with any lawful order of the Village Harbor Master given under the authority of this chapter.

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty is no specific penalty is provided.)

CHAPTER 1064
Cemeteries

1064.01 Snow plowing charge.

CROSS REFERENCES

Municipal cemeteries - see Mich. Const. Art. 7, Sec. 123;

M.C.L.A. Secs. 128.1 et seq.

Vacation of cemeteries - see M.C.L.A. Secs. 128.51 et seq.

1064.01 SNOW PLOWING CHARGE.

Snow plowing of cemeteries shall be charged at a rate of twenty dollars (\$20.00) per occurrence.

(Res. 96-18. Passed 2-12-96.)

CHAPTER 1066
Village Park

1066.01 Village responsibility for
maintenance.

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23

Sale of park property - see M.C.L.A. Sec. 117.5

Misapplication of park funds - see M.C.L.A. Sec. 123.67

Harbor Master - see ADM. Ch. 248

Village/Township Harbor Commission - see ADM. Ch. 294

Watercraft operation - see TRAF. Ch. 470

Village Harbor - see S.U. & P.S. Ch. 1062

1066.01 VILLAGE RESPONSIBILITY FOR MAINTENANCE.

Council hereby accepts responsibility for the completed Village Park from the Downtown Development Authority and assumes all maintenance responsibilities for such Park.

(Res. 96-88. Passed 8-12-96.)

TITLE EIGHT - Telecommunications
Chap. 1080. Telecommunications.

CHAPTER 1080
Telecommunications

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|---|--|
| 1080.01 Purpose. | 1080.10 Modification of existing fees. |
| 1080.02 Definitions. | 1080.11 Savings clause. |
| 1080.03 Permit required. | 1080.12 Use of funds. |
| 1080.04 Issuance of permit. | 1080.13 Annual report. |
| 1080.05 Construction/engineering permit. | 1080.14 Cable television operators. |
| 1080.06 Conduit or utility poles. | 1080.15 Existing rights. |
| 1080.07 Route maps. | 1080.16 Compliance. |
| 1080.08 Repair of damage. | 1080.17 Reservation of police powers. |
| 1080.09 Establishment and payment of maintenance fee. | 1080.99 Penalty. |

1080.01 PURPOSE.

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(Ord. 2003-02. Passed 2-10-03.)

1080.02 DEFINITIONS.

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

- (a) “Act” means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

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- (b) “Authority” means the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Authority created pursuant to Section 3 of the Act.
- (c) “MPSC” means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.
- (d) “Permit” means a non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.
- (e) “Person” means an individual, corporation, partnership, association, governmental entity, or any other legal entity.
- (f) “Public right-of-way” means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.
- (g) “Telecommunication facilities” or “Facilities” means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. “Telecommunication facilities” or “Facilities” do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of part I of Title III of the Communications Act of 1934, Chapter 652.48 Stat. 1064. 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, and service provided by any wireless, two-way communication device.
- (h) “Telecommunications provider”, “Provider” and “Telecommunications services” mean those terms as defined in Section 102 of the Michigan Telecommunications Act, Act 179 of the Public Acts of 1991, being M.C.L.A. 84.2102. “Telecommunication provider” does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part 1 of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a provider also includes all of the following:
 - (1) A cable television operator that provides a telecommunications service.
 - (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
 - (3) A person providing broadband internet transport access service.
- (i) “Village” means the Village of Caseville.

- (j) "Village Board" means the Village Council of the Village of Caseville or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.
- (k) "Village Clerk" means the Village Clerk or his or her designee.
(Ord. 2003-02. Passed 2-10-03.)

1080.03 PERMIT REQUIRED.

(a) Permit required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make _____ copies of the application and distribute a copy to: _____ . Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) Confidential information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, Act 442 of the Public Acts of 1976, being M.C.L.A. 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) Application fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00

(e) Additional information. The Village Clerk may request an applicant to submit such additional information which the Village Clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Clerk. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) Previously issued permits. Pursuant to Section 5(1) of the Act, authorization or permits previously issued by the Village under Section 251 of the

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Michigan Telecommunications Act, Act 179 of the Public Acts of 1991, being M.C.L.A. 84.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the requirements of this chapter.

(g) Existing providers. Pursuant to Section 5(3) of the Act, within one hundred eighty days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, Act 179 of the Public Acts of 1991, being M.C.L.A. 84.2251, shall submit to the Village an application for a permit in accordance with the requirements of this chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this division is not required to pay the \$500.00 application fee required under division (c) above. A provider under this division shall be given up to an additional one hundred eighty days to submit the permit application if allowed by the authority, as provided in Section 5(4) of the Act. (Ord. 2003-02. Passed 2-10-03.)

1080.04 ISSUANCE OF PERMIT.

(a) Approval or denial. The authority to approve or deny an application for a permit hereby delegated to the Village Clerk. Pursuant to Section 15(3) of the Act, the Village Clerk shall approve or deny an application for a permit within forty-five days from the date as telecommunications provider files an application for a permit under Section _____ of this chapter for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Clerk shall notify the MPSC when the Village Clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The Village Clerk shall not unreasonably deny an application for a permit.

(b) Form of permit. If an application for permit is approved, the Village Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) Conditions. Pursuant to Section 15(4) of the Act, the Village Clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) Bond requirement. Pursuant to Section 15(3) of the Act, and without limitation on division (c) above, the Village Clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. 2003-02. Passed 2-10-03.)

1080.05 CONSTRUCTION/ENGINEERING PERMIT.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit as required under this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

(Ord. 2003-02. Passed 2-10-03.)

1080.06 CONDUIT OR UTILITY POLES.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. 2003-02. Passed 2-10-03.)

1080.07 ROUTE MAPS.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within ninety days after the substantial completion of construction of new telecommunication facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper or electronic format unless and until the Commission determines otherwise, in accordance with Section 6(8) of the Act.

(Ord. 2003-02. Passed 2-10-03.)

1080.08 REPAIR OF DAMAGE.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. 2003-02. Passed 2-10-03.)

1080.09 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the Village set forth in Section 1080.03(d), a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to Section 8 of the Act.

(Ord. 2003-02. Passed 2-10-03.)

1080.10 MODIFICATION OF EXISTING FEES.

In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-ways, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

(Ord. 2003-02. Passed 2-10-03.)

1080.11 SAVINGS CLAUSE.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 1080.10 shall be void from the date the modification was made.

(Ord. 2003-02. Passed 2-10-03.)

1080.12 USE OF FUNDS.

Pursuant to Section 10(4) of the Act, all amounts received by the Village from the authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

(Ord. 2003-02. Passed 2-10-03.)

1080.13 ANNUAL REPORT.

Pursuant to Section 10(5) of the Act, the Village Clerk shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.

(Ord. 2003-02. Passed 2-10-03.)

1080.14 CABLE TELEVISION OPERATORS.

Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default of seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

(Ord. 2003-02. Passed 2-10-03.)

1080.15 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

(Ord. 2003-02. Passed 2-10-03.)

1080.16 COMPLIANCE.

The Village hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including, but not limited to, the following:

- (a) Exempting certain route maps from the Freedom of Information Act, Act 442 of the Public Acts of 1976, being M.C.L.A. 15.231 and 213.246, as provided in Section 1080.03(c);
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 1080.03(f);
- (c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with Section 1080.03(g);
- (d) Approving or denying an application for a permit within forty-five days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 1080.04(a);
- (e) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 1080.04(a);

- (f) Not unreasonably denying an application for a permit, in accordance with Section 1080.04(a);
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 1080.04(b);
- (h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of way, in accordance with Section 1080.04(c);
- (i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 1080.04(d);
- (j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 1080.05;
- (k) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this chapter, in accordance with Section 1080.10;
- (l) Submitting an annual report to the authority, in accordance with Section 1080.13; and
- (m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 1080.14.

(Ord. 2003-02. Passed 2-10-03.)

1080.17 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this chapter shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

(Ord. 2003-02. Passed 2-10-03.)

1080.99 PENALTY.

(a) A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to payment of a civil fine of not less than \$50.00, reimbursement to the Village for charges assessed for the expense of enforcing this chapter, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 18 month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be no less than \$250.00 plus reimbursement to the Village of charges assessed for the expense of enforcing this chapter, plus costs and other sanctions for each infraction.

(2) The fine or any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus reimbursement to the Village for charges assessed for the expense of enforcing this chapter, plus costs and other sanctions for each infraction.

(c) Nothing in this section shall be construed to limit the remedies available to the Village in the event of a violation by a person of this chapter or a permit.
(Ord. 2003-02. Passed 2-10-03.)

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