

**TITLE V: PUBLIC WORKS**

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**GENERAL PROVISIONS**

**§ 50.001 BASIS OF OPERATION.**

It is hereby determined to be desirable and necessary for the public health, safety, and welfare of the village that the municipal water system be operated by the village on a public utility rate basis in accordance with the provisions of General Village Statute Law and the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 *et seq.*, as amended.

(Prior Code, § 1040.01) (Ord. 137, passed 9-23-1985)

**§ 50.002 SUPERVISION AND CONTROL;  
REPAIRS.**

(A) The operation, maintenance, alteration, repair, and management of the water system shall be under the supervision and control of the village. The village may employ any person or persons in any capacity or capacities as it deems advisable to carry on the efficient management and operation of the water system and may make any rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operation of the water system. The village shall set the rates and charges for the water system.

(B) No property owner, or tenant, or his or her agent shall make any repair upon, or modification of, the water system of the village unless a permit is first obtained from the Village Clerk. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village, or its agents or contractors. After a permit is granted and the work completed, the village shall perform a final inspection of all work to determine that it has been appropriately done and in accordance with the permit, all within the sole discretion of the Superintendent of Public Works.

(C) Persons violating this section shall be responsible for a Class C civil infraction, and fined accordingly as defined in § 34.07(A), and any such work done without the required permit or having passed the final inspection shall be considered a nuisance per se and entitle the village to injunctive relief.  
(Prior Code, § 1040.02) (Ord. 137, passed 9-23-1985; Ord. 2006-2, passed 4-10-2006)

**§ 50.003 APPLICATIONS FOR SERVICE;  
TAP-INS AND FEE; RESPONSIBILITIES OF  
VILLAGE AND CUSTOMER.**

(A) Applications for water service shall be filed with the Village Clerk upon a form to be supplied by the village. The applications filed shall state the name of the applicant and the premises to be served.

(B) All applications for service by the water system shall be accompanied by an application/connection fee in an amount as determined from time to time by resolution of the Village Council.

(C) All taps and connections to the main lines of the village shall be made by and/or under the direction and supervision of waterworks personnel.

(D) The customer shall install, maintain and repair, at his or her own expense, that portion of the service from the main line to the lot or easement line, including the necessary tap, fittings, and shut-off valve. The customer shall also install, maintain and repair at his or her expense, that portion of the service line from the lot or easement line to his or her premises, including a stop and waste cock at the end of the house side of his or her service line. The minimum earth cover of the customer's service shall be five feet. The village shall determine the size and kind of service to be installed.

(Prior Code, § 1040.03) (Ord. 124, passed 6-27-1983) Penalty, see § 10.99

**§ 50.004 CANCELLATION OF APPLICATION;  
DISCONTINUANCE OF SERVICE.**

(A) *Generally.* An application may be cancelled and/or water service discontinued by the village for any of the following reasons.

(B) *Specifically.*

(1) Misrepresentation in the application as to the property or fixtures to be supplied or the use to be made of the water;

(2) Failure to report to the village additions to the property or to the fixtures to be supplied, or additional use to be made of the water;

(3) Resale or giving away of water;

(4) Waste or misuse of water due to improper or imperfect service pipes and/or fixtures, or failure to keep the same in a suitable state of repair;

(5) Tampering with a meter, meter seal, or valve, or permitting the tampering by others;

(6) Connection, cross-connection, or permitting same of any separate water supply to premises which receive water from the village; and/or

(7) Nonpayment of bills.

(C) *Discontinuance, procedure, and the like.*

This section is subject to the procedures, notice and required payment to turn on water service set out in § 50.049.

(Prior Code, § 1040.04) (Ord. 137, passed 9-23-1985)

#### **§ 50.005 ESTIMATES OF WATER USAGE.**

If a water meter does not properly function and a meter reading cannot be made, the Village Clerk is authorized to estimate the amount of water used by the customer and to issue a bill consistent with this estimate. In making this estimate, the Village Clerk shall consider prior meter readings obtained for the customer during time periods that similar conditions existed concerning the amount of water used on the premises.

(Prior Code, § 1040.05)

#### **§ 50.006 EASEMENTS.**

Each customer shall grant or convey, or shall cause to be granted or conveyed, to the village a permanent easement and right-of-way across any property owned or controlled by the customer whenever the easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

(Prior Code, § 1040.06) (Ord. 137, passed 9-23-1985)

#### **§ 50.007 INSPECTIONS.**

The premises receiving a supply of water and all service lines, meters, and fixtures, including any and all fixtures within the premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the village.

(Prior Code, § 1040.07) (Ord. 137, passed 9-23-1985)

#### **§ 50.008 NONRESIDENT SERVICE.**

The transportation costs for water supply to areas outside of the village will be borne by the users in that area. Individual agreements will be established to provide sufficient income to cover the actual costs of the service and to recover the capital investment made by the village on that portion of the water system utilized by those users.

(Prior Code, § 1040.08) (Ord. 137, passed 9-23-1985)

#### **§ 50.009 LINE EXTENSIONS.**

(A) The village will construct extensions of its water lines to points within its service area, but the village shall not be required to make installations unless the customer pays to the village the entire cost of the installation.

(B) All line extensions shall be evidenced by a written contract between the village and the customer, with the provision that all funds needed to pay for the extension shall be paid in advance, and that the village's obligation to construct an extension shall be conditioned on the approval of the appropriate bonding authorities which financed the municipal water system.

(C) If additional customers hook up to an extended water line within ten years from the date it is built, the customer shall be entitled to reimbursement for the cost of construction, which shall be computed as follows: 20% of the gross annual revenue received

from the additional customers for a period of five years, provided that the total amount reimbursed shall not exceed the total construction cost paid by the customer.

(D) No refund shall be made from any revenue received from any lines leading up to or beyond the particular line of extension covered by the contract.

(E) All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the village, and no other person shall have any right, title, or interest therein. (Prior Code, § 1040.09) (Ord. 124, passed 6-27-1983; Ord. 137, passed 9-23-1985)

#### § 50.010 CROSS-CONNECTIONS.

(A) Except as hereinafter provided, no person shall make or maintain, upon property owned or occupied by that person, a cross connection between the public water supply and a secondary, private water supply or system.

(B) Any person whose property is served or capable of being served by the public water system shall make application to the Village Clerk for a permit to be issued by the Department of Public Works before any well or other secondary, private water system shall be drilled or installed on property they own, occupy or control.

(C) It shall be the duty of the Village of Pentwater Department of Public Works to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the village and as approved by the Michigan Department of Natural Resources and Environment.

(D) The representative of the Village Department of Public Works 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 or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.

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

(F) All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Village Department of Public Works and in accordance with the Michigan Department of Natural Resources and Environment requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the Village Department of Public Works. Individual(s) performing assembly testing shall certify the results of his or her testing.

(G) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state and village 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:

<p>WATER UNSAFE FOR DRINKING</p>
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(H) This section does not supersede the state plumbing code but is supplementary to it.

(I) Water supply connection rules of the Michigan Department of Natural Resources and Environment (formerly, Michigan Department of Environmental Quality), being R325.11401 to R325.11407 of the Michigan Administrative Code, as amended, are hereby adopted by reference. Penalty, see § 10.99

**§ 50.011 RESALE.**

The resale of water from the public water supply system is hereby specifically prohibited. (Prior Code, § 1040.11) (Ord. 137, passed 9-23-1985) Penalty, see § 10.99

***RATE STRUCTURE***

**§ 50.025 DECLARATION OF NECESSITY; USE OF PROCEEDS.**

It is hereby declared to be necessary for the protection of the health, welfare, and convenience of the citizens of the village to levy and collect service charges upon premises serviced by the municipal water system. The proceeds of the charges are to be used for the retirement of bond indebtedness incurred therefor, for operation and maintenance, and for the construction of replacement water facilities. (Prior Code, § 1040.12) (Ord. 137, passed 9-23-1985)

**§ 50.026 DEFINITION.**

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

***ESTABLISHMENT.*** Each lot, parcel of land, or building having connection to the municipal water system, or which is eligible for such a connection.

(1) Each residence or residential unit is a separate ***ESTABLISHMENT***, regardless of whether it is freestanding or is in a connected structure, such as a duplex, flat, apartment or condominium unit.

(2) Each lot in a mobile home park, where permanent trailers are stationed, is an ***ESTABLISHMENT***. Transient lots are not separate ***ESTABLISHMENTS*** for the purpose of this chapter.

(3) A group of cabins or motel rooms operated as a transient facility is a single ***ESTABLISHMENT***. Should the use of a single cabin or group of cabins change to permanent residential, then each residence will become a separate ***ESTABLISHMENT***. A combination of transient cabins and a residence which is used by the manager or owner constitutes two ***ESTABLISHMENTS***.

(4) Each individual business, which receives water service within its occupied space, or which has water service available from any shared restroom, sink, or any other common area or facility, is a separate ***ESTABLISHMENT***, even though it might be housed along with one or more other businesses in a single structure served by a single meter and with a common landlord.

(5) Combinations of any of the above are each a separate ***ESTABLISHMENT***.

(6) A ***NEW ESTABLISHMENT*** is defined as:

(a) Any new structure, building, or dwelling unit on a parcel of property that was formerly vacant;

(b) Any reconstruction, repair, replacement, or remodeling of any existing **ESTABLISHMENT** to an extent of 50% of its cubic content or 50% of its assessed evaluation; and/or

(c) Any new mobile home on an existing mobile home lot or any transfer of ownership of an existing mobile home. (Prior Code, § 1040.13) (Ord. 137, passed 9-23-1985)

#### § 50.027 BASIS OF CHARGES.

(A) A properly installed water meter approved by the village shall be used to determine the amount of water consumed for all establishments.

(B) All new establishments shall install a separate water meter at the time of connection to the municipal water system. The fees to be charged for connection to the municipal water system and the meters shall be as prescribed in § 50.030.

(C) Existing establishments shall not be required to install water meters if it is determined by the Superintendent of Public Works to be impracticable, or if it is determined that the same would cause undue economic hardship, except as provided for in § 50.026.

(D) Existing establishments shall, at their own expense, be required to install and maintain shut-off valves on service pipes at the building side of the meter.

(E) Customers having boilers and/or pressure vessels receiving a supply of water from the village must have an approved backflow preventer on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the village is discontinued or interrupted for any reason, with or without notice. (Prior Code, § 1040.14) (Ord. 137, passed 9-23-1985) Penalty, see § 10.99

#### § 50.028 INSTALLATION OF PIPING; LOCATION OF CONNECTIONS.

(A) Piping on the premises of a customer must be so installed that connections are conveniently located with respect to the municipal lines and mains. The customer must provide a place of metering, which is unobstructed and accessible at all times.

(B) Once a property is connected to the water system, and (in the case of new construction) upon the installation of the water meter, the owner of the premises shall be billed, and shall pay at least the minimum quarterly rate thereafter, whether or not water is consumed on the premises. (Prior Code, § 1040.15) (Ord. 137, passed 9-23-1985; Ord. 2007-2, passed 1-8-2007) Penalty, see § 10.99

#### § 50.029 SPECIAL RATES; FREE SERVICE PROHIBITED.

Special rates for miscellaneous or special services, for which a rate has not been established, shall be determined by Council. No free service shall be furnished by the system to any person or to any public agency or instrumentality. (Prior Code, § 1040.16) (Ord. 137, passed 9-23-1985)

#### § 50.030 FEES; COSTS AND DEPOSITS.

(A) A water connection fee shall be charged to each establishment where the village provides labor, equipment, or materials to make a connection to the water main or to furnish or install a water meter. The cost for constructing the water service from the public water main fronting the property to the property line, and connecting the service to the building water system, shall be based upon time and materials required at rates established by Council. The work shall be performed by village personnel or contracted agents of the village after it has been determined that the building water system, after inspection by village personnel, meets village specifications. Where water



service is available at the property or easement line, the fee for setting the meter shall equal the cost of the meter and the cost to the village of making the installation, payable in advance to the Village Clerk.

(B) Water service shall not begin in a new or reconstructed property until a water meter has been installed. Payment of connection charges shall be made prior to the service being turned on.

(C) Water for building or construction purposes will be furnished by meter measurement only after a suitable deposit has been made, the minimum deposit as determined by the Village Manager or his or her representative, and the amount to be determined by the village depending upon the size of the construction work contemplated. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon the material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench. All use of water by other than the applicant, or use of water for any purpose or upon any premises not stated or described in the application, must be prevented by the applicant, or water service may be discontinued without notice. (Prior Code, § 1040.17) (Ord. 137, passed 9-23-1985; Ord. 2007-3, passed 1-8-2007)

**Cross Reference:**

*Security deposits for meters for tenants, see § 50.032*

**§ 50.031 ESTABLISHMENT OF RATES.**

Rates to be charged to each establishment for service furnished by the water system shall be established, changed, or modified by ordinances or by a resolution by Council at a regular Council meeting. (Prior Code, § 1040.18) (Ord. 2005-1, passed 1-10-2005)

**§ 50.032 SECURITY DEPOSIT; TENANT RESPONSIBILITY.**

(A) *Tenant responsibility.* If a landlord shall file or cause to be filed a written notice or affidavit together with a copy of the signed written lease or rental agreement showing that a tenant is responsible for the payment of water and sewer charges, the water and sewer charges shall not become a lien against the affected premises after the date of the filing of the notice or affidavit. For property with more than one rental unit, the landlord must also provide a separate meter and a separate shutoff for each unit with such shutoff located outside of the building and accessible by the village staff. By requesting that the utilities shall be the responsibility of the tenant under this section, the landlord consents to access the property to shut off the water to any residential, commercial or industrial unit.

(B) *Amount.*

(1) If a notice or affidavit pursuant to division (A) is filed, the village shall render no further water or sewer service to the affected premises until all unpaid water and sewer charges, which are a lien upon the premises, are paid and a security deposit in the sum provided by this section is made as security for the future payment of water and sewer charges. For each dwelling unit, the security deposit required on the filing of a notice or affidavit provided for in division (A) shall be equal to two quarterly minimum water and sewer utility billings, at the rates as determined by the village from time to time. For a commercial or industrial tenant, the security deposit shall be equal to four quarterly minimum water and sewer utility billings.

(2) Upon receipt of payment of any then outstanding water and sewer charges that are a lien upon the property and the full security deposit, the village shall resume water and sewer service to the affected premises.

(C) *Payment of additional charges for service.* Payment by a tenant of a security deposit for water or sewer service does not relieve the tenant of the obligation to pay for water and sewer charges as required by this chapter in the same manner and on the same terms as other users of village water and sewer service.

(D) *Disconnection for failure to pay deposit or charges.* If a tenant shall fail to pay for water and sewer charges when due, all water service to the affected premises shall be terminated in accordance with this chapter.

(E) *Landlord's 20-day notice of termination; revival of lien.* A landlord who has filed a notice or affidavit that a tenant is responsible for payment of water or sewer charges or both shall give 20 days' written notice to the village of any cancellation, change in, or termination of the landlord's lease with the tenant. If the landlord fails to give the required notice, when it was practicable for the landlord to have given such notice, all water or sewer charges or both which accrue as a result of the landlord's failure to give such notice shall be a lien against the affected premises.  
(Ord. 2011-1, passed 3-10-2011)

### **COLLECTIONS**

#### **§ 50.045 BILLS AND NOTICES; METERS.**

(A) Bills and notices relating to the conduct of the business of the village will be mailed to the customer at the mailing address provided by the customer and listed on the application, unless a change of address has been filed in writing at the business office of the village. The village shall not be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or of any performance required in the notice.

(B) Meters will be read during the last two weeks of the quarter.

(C) Billing for water service will commence immediately following the final inspection of the water connection by village personnel.  
(Prior Code, § 1040.19) (Ord. 2003-4, passed 12-8-2003)

#### **§ 50.046 INSTALLATION AND MAINTENANCE OF METERS.**

All meters shall be installed, maintained, and renewed by and at the expense of the village, and the village reserves the right to determine the size and type of meter used.  
(Prior Code, § 1040.20) (Ord. 137, passed 9-23-1985)

#### **§ 50.047 TESTING OF METERS.**

Upon the written request of any customer, the meter serving the customer shall be tested by the village. A charge of \$50 for up to a two-inch meter, or \$50 plus any testing expenses charged to the village for outside testing of any meter larger than a two-inch meter, shall be made if the meter is determined to be properly functioning.  
(Prior Code, § 1040.21)

#### **§ 50.048 NOTICE OF DISCONTINUANCE OF SERVICE.**

Any customer desiring to discontinue the water service to his or her premises for any reason must request discontinuance of water service in writing at the business office of the village. Notwithstanding the fact that the customer has requested discontinuance of service, so long as the water service is available to the property, whether or not water is actually consumed at the property, the owner will be billed and shall pay

at least the minimum quarterly rate as established by the village. One service turn-off and turn-on per year will be allowed. Additional turn-on and turn-off service will be done by village personnel on a time and materials basis and charged to the customer.

(Prior Code, § 1040.22) (Ord. 2007-4, passed 1-8-2007)

**§ 50.049 REMEDY FOR NONPAYMENT OF CHARGES; DEPOSITS.**

(A) The village is hereby authorized to enforce the payment of charges for water services to any premises by discontinuing the water service to the premises, and/or a court action may be instituted by the village against the owner of the premises, irrespective of who occupies the premises. The charges for water services, which, under the provisions of General Village Statute Law and the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 *et seq.*, are made a lien on the premises to which furnished, are hereby recognized to constitute such a lien and the Village Treasurer shall, each May 1, certify all unpaid charges for services furnished to any premises which have remained unpaid for a period of six months after such date, to the Tax Assessor or other responsible official, who shall place the same on the next tax roll. The charges so assessed shall be collected in the same manner as general village taxes. Where the water service to any premises is turned off to enforce the payment of water service charges, the water service shall not be resumed until all delinquent charges have been paid, along with water turn-on charge equal to the actual cost to the village, as determined by the Village Manager, but not less than \$50.

(B) (1) It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's form for application for utility service and all bills shall contain, in addition to the title, address,

room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$50. (Prior Code, § 1040.23) (Ord. 2003-4, passed 12-8-2003; Ord. passed 11-9-2015)

10B

**Pentwater - Public Works**

**§ 50.050 INTERRUPTION OF SERVICE.**

(A) The village shall make all reasonable efforts to eliminate interruption of service and, when the interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all consumers affected by the interruption will be notified in advance whenever it is possible to do so.

(B) The village shall in no event be held responsible for any claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which, in the opinion of the village, may be deemed necessary.  
(Prior Code, § 1040.24) (Ord. 137, passed 9-23-1985)

***ACCOUNTING PROCEDURE***

**§ 50.065 FISCAL YEAR.**

The water system shall be operated on the basis of a fiscal year corresponding with that of the village. (Prior Code, § 1040.25) (Ord. 137, passed 9-23-1985)

**§ 50.066 WATER SYSTEM FUND ACCOUNT.**

All revenues and moneys derived from the operation of the water system shall be paid to and held by the Clerk separate and apart from all other funds of the village, and all of the sums and all other funds and moneys incident to the operation of the system, as may be delivered to the Clerk, shall be deposited in a

separate fund designated the Water System Fund Account, and the Clerk shall administer the Fund in every respect in a manner provided by the laws of the state and all other laws pertaining thereto.  
(Prior Code, § 1040.26) (Ord. 137, passed 9-23-1985)

**§ 50.067 RECORDS, BOOKS, AND ACCOUNTS.**

The Clerk shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and, at regular annual intervals, Council shall cause an audit to be made of the books by an independent auditing concern to show the receipts and disbursements of the water system.  
(Prior Code, § 1040.27) (Ord. 137, passed 9-23-1985)

**§ 50.068 BILLING AND PAYMENT.**

Bills for the rates and charges herein established by the village shall be sent quarterly and will be mailed within the first ten working days following the end of the quarter. All bills are due and payable not later than the last day of the month in which the bill is mailed and shall be paid at the office of the Village Clerk. If any charge for the services of the system is not paid by the last day of the month in which it becomes due and payable, it shall be considered past due and a delayed payment charge of 10% of the amount of the bill shall be added thereto and collected therewith. If any bill for the service of the water system remains unpaid after 60 days following the past due date, then the water supply for the lot, parcel of land, or premises affected shall be shut off and not turned on again except upon payment in full of the delinquent charges and an additional turn-on charge equal to the actual cost of the village as determined by the Village Manager, but not less than \$50. Two weeks prior to the end of the 60-day period, the customer will be notified by mail of the impending shut-off.  
(Prior Code, § 1040.28) (Ord. 137, passed 9-23-1985; Ord. 2003-4, passed 12-8-2003)

**§ 50.069 BILLS AND NOTICES.**

Bills and notices relating to the conduct of the business of the village will be mailed to the customer at the mailing address provided by the customer and listed on the application, unless a change of address has been filed, in writing, at the business office of the village, and the village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in the notice. The owners and occupants of the premises served by the municipal water service shall be deemed to be jointly and severally liable for water service provided to the premises.

(Prior Code, § 1040.29) (Ord. 137, passed 9-23-1985; Ord. 2003-4, passed 12-8-2003)

**§ 50.070 ANNUAL AUDIT.**

The annual audit will be performed on a fiscal-year basis to determine the actual cost of the water system service. A review of this material by the Superintendent of Public Works and the Village Clerk will establish whether revenue receipts are sufficient to cover costs. If adjustments are necessary in the water use or distribution charges, they will be established and enacted before April 1 to provide sufficient revenue for the new fiscal year. (Prior Code, § 1040.30) (Ord. 137, passed 9-23-1985)

***MISCELLANEOUS PROVISIONS*****§ 50.085 USE FOR MUNICIPAL PURPOSES.**

Council may impose special terms and conditions where water is used for municipal purposes such as fire hydrants, public parks, and other public purposes.

(Prior Code, § 1040.31) (Ord. 124, passed 6-27-1983)

**§ 50.086 LIABILITY OF CUSTOMERS.**

If any loss or damage to the property of the village, or any accident or injury to persons or property, is caused by or results from negligence or the wrongful act of the customer, a member of his or her household, or his or her agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

(Prior Code, § 1040.32) (Ord. 124, passed 6-27-1983)

**§ 50.087 REFUSAL OF SERVICE.**

The village may refuse service to a person not presently a customer when, in the opinion of the village, the capacity of the facilities will not permit the service.

(Prior Code, § 1040.33) (Ord. 124, passed 6-27-1983)

**§ 50.088 COMPLAINTS; APPEALS.**

Complaints concerning water service and charges shall be made to the Village Clerk. Customers may appeal the decision of the Village Clerk by appearing before the Village Council's Services Committee at its next scheduled meeting, which will make a recommendation to the Village Council.

(Prior Code, § 1040.34)

**§ 50.089 WATER SCARCITY.**

(A) Whenever the Village Manager determines that the demand for water from the village distribution system is such that, unless the usage is regulated, the public health, safety, and general welfare is likely to be endangered, the Village Manager shall prescribe rules and regulations to regulate the water usage from the village water distribution system during the emergency.

(B) Before the rule or regulation shall become effective, it shall be published in one issue of a newspaper of general circulation in the village.

(C) Any persons found violating any such rule or regulation shall, upon conviction thereof, be

punished as prescribed in § 10.99.

(Prior Code, § 1040.35) (Ord. 2007-6, passed 10-9-2007)





Section

*General Provisions*

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**GENERAL PROVISIONS**

**§ 51.01 DEFINITIONS.**

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

**A.S.T.M.** American Society for Testing and Materials.

**CHAPTER 51: SEWERS** **BOD (BIOCHEMICAL OXYGEN DEMAND).**

Stability of oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/l).

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

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

**CLASSES OF USERS.** The division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows.

(1) **COMMERCIAL USER.** Any retail or wholesale business, engaged in selling merchandise or a service, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(2) **GOVERNMENTAL USER.** Any federal, state, or local government office or government service facility that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(3) **INDUSTRIAL USER.** Any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any nongovernmental user of publicly-owned treatment works identified in the *Standard Industrial Classification Manual, 1972*,

under Divisions A, B, D, E, or I, excluding those users already identified in one of the other user classes. **INDUSTRIAL USERS** subject to the industrial cost recovery system shall include the following:

(a) Any nongovernmental user of publicly-owned treatment works which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste, equivalent to 25,000 gallons per day of sanitary waste;

(b) Any nongovernmental user of a publicly-owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in, or have an adverse effect on, the waters receiving any discharge from the treatment works;

(c) All commercial users of an individual system constructed with grant assistance under § 201(h) of the Act and this subpart; and

(d) Any sewage greater than normal strength sewage, as defined in this subchapter.

(4) **INSTITUTIONAL USER.** Any educational, religious, or social organization, such as a school, church, nursing home, hospital, or other institutional user, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(5) **RESIDENTIAL USER.** An individual home or dwelling unit, including mobile homes, apartments, condominiums, or multi-family dwellings, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

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

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the treatment works was designed to treat those pollutants and can, in fact, remove those pollutants to a substantial degree. The term **SUBSTANTIAL DEGREE** generally means removals in the order of 80% or greater.

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

**INCOMPATIBLE POLLUTANT.** Any pollutant that is not a compatible pollutant, as defined in this section.

**INDUSTRIAL COST RECOVERY.** The recovery from each industrial user, as defined, of that portion of the U.S. Environmental Protection Agency grant which is allocable to the treatment of industrial wastes from those industries. The industrial cost recovery charge is defined in §§ 51.25 through 51.30.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

**INFILTRATION.** Any waters entering the system from the ground through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. **INFILTRATION** does not include and is distinguished from inflow.

**INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow.

**INFLOW.** Any waters entering the system through sources such as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross-connections.

**INSPECTOR.** Any person or persons authorized by the village to inspect and approve the installation of building sewers and their connection to the public sewer system.

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

**NORMAL STRENGTH SEWAGE.** A sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

**NPDES PERMIT.** The permit issued pursuant to the National Pollutant Discharge Elimination System for the discharge of wastewater into the waters of the state.

**OPERATION AND MAINTENANCE COSTS.** All costs, direct or indirect (other than debt service), necessary to ensure adequate wastewater treatment on a continuing basis, to conform with all related federal, state, and local requirements, and to assure optimal long-term facility management. (O&M costs include replacement costs).

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

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

**PRETREATMENT.** The treatment of extra strength wastewater flows in privately-owned pretreatment facilities prior to discharge into publicly-owned sewage works.

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

**PUBLIC SEWER.** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**REPLACEMENT.** Necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any surface and ground waters as may be present. The three most common types of sewage are:

(1) **COMBINED SEWAGE.** Wastes, including sanitary sewage, industrial sewage, storm water, and infiltration and inflow, carried to the wastewater treatment facilities by a combined sewer;

(2) **INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, and business as distinct from segregated domestic strength wastes or wastes from sanitary conveniences; and

(3) **SANITARY SEWAGE.** The combination of liquid- and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

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

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

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

**SHALL and MAY.** **SHALL** is mandatory; **MAY** is permissive.

**SLUG.** Any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer

than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

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

***SUPERINTENDENT.*** The Village Superintendent of Public Works or his or her authorized deputy, agent, or representative.

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

***TOWNSHIP.*** The Township of Pentwater, Oceana County, Michigan, as represented by the Pentwater Township Board of Trustees.

***USER DEBT RETIREMENT CHARGE.*** The charge levied on all users of the sewerage works for the cost of any bond debt of which debt repayment is to be met from the revenues of the works.

***USER O&M CHARGE.*** The charge levied on all users of the sewerage works for the cost of operation and maintenance, including replacement of the treatment works.

***VILLAGE.*** The Village of Pentwater, Oceana County, Michigan, as represented by the Pentwater Village Council.

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

***W.P.C.F.*** Water Pollution Control Federation. (Prior Code, § 1042.01) (Ord. 139, passed 2-24-1986)

## **§ 51.02 USE OF PUBLIC SEWERS REQUIRED; PRIVIES.**

(A) No person shall place, deposit, or permit to be deposited, in any unsanitary manner, upon public or private property within the village or in any area under the jurisdiction of the village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

(B) No person shall discharge to any natural outlet within the village, or in any area under the jurisdiction of the village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.

(D) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the village, and abutting on any street, alley, or right-of-way, in which there is located, or may in the future be located, a public sewer of the village, within 150 feet from the property line containing the structure in which sewage originates, is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer, in accordance with the provisions of this subchapter, when given official notice to do so, provided that the connection shall not be required to be made less than six months after the sewer is made available for connection thereto.

(E) Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer, or receiving stream shall file the material listed below with the Superintendent, and no person shall furnish the Superintendent with any material or information pursuant to this division (E) that is false in any

particular. The village may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem to do the following:

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

(2) Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted and described and with the waste stream identified;

(3) File a sample, test, and file reports with the Superintendent and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations and according to methods approved by the Superintendent and the appropriate state agency;

(4) File an affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise the facilities;

(5) Provide a report on raw materials entering the process or support system, intermediate materials, the final product, and waste byproducts, as those factors may affect waste control;

(6) Maintain records and file reports on the final disposal of specific liquids, solids, sludge, oil, radioactive material, solvent, or other waste; and

(7) Give written notification to the Superintendent if any industrial process is to be altered so as to include or negate a process waste or potential waste, subject to approval.  
(Prior Code, § 1042.02) Penalty, see § 10.99

### **§ 51.03 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private sewage disposal system complying with all requirements of village ordinances and the County Health Department, if the option of connection to the village sewer is not elected when the sewer is available outside the 150-foot proximity requirement of § 51.02(D).

(B) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 51.02(D), a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the village ordinances, State of Michigan, and/or the County Health Department.  
(Prior Code, § 1042.03) Penalty, see § 10.99

### **§ 51.04 BUILDING SEWERS AND CONNECTIONS.**

(A) No person, except a drain layer licensed by the County Drain Commissioner, shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Superintendent, except that the property owner may make a connection from a properly constructed lateral to his or her residence. Before a general license or a particular permit may be issued for excavating for plumbing or drain laying in any public street, way, or alley, the person applying for the permit shall execute unto the village a deposit with the Treasurer, i.e., a

bond with a corporate surety in the sum of \$10,000, conditioned that he or she will faithfully perform all work with due care and skill and in accordance with the laws, rules, and regulations established under the authority of the village pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the village and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of mistake or negligence on his or her part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this subchapter. The bond shall remain in force and must be executed for a period of one year, except that, upon the expiration, it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to the expiration. The licensee shall also provide public liability insurance for the protection of the village, the property owner, and all persons, to indemnify them for all damage caused by accidents attributable to the work, with limits of \$500,000 for one person, \$1,000,000 for bodily injury per accident, and \$500,000 for property damage.

(B) There shall be three classes of building sewer permits: residential, commercial, and industrial. In any case, the owner or his or her agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

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

(D) A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from

the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the village after recommended action by the Superintendent.

(E) Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and after testing by the Superintendent or his or her representative, to meet all requirements of this subchapter.

(F) The building sewer shall be constructed of either of the following types of pipe meeting the current A.S.T.M. specifications:

(1) Plastic (PVC) A.S.T.M. D2241 SDR 26 or A.S.T.M. D1785 Schedule 40;

(2) Vitrified clay pipe A.S.T.M. C-700 with A.S.T.M. C-425 joints; and/or

(3) Cast-iron extra heavy A.S.T.M. A-74. If installed in filled or unstable ground, the building sewer shall be of cast-iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Superintendent.

(G) All building sewer joints and connections shall be made gastight and watertight and shall conform to the requirements of the Building and Housing Code. Asbestos cement or clay sewer pipe joints shall be of the rubber ring, flexible, compression type. The pipe joints for PVC plastic shall be either rubber ring joints or solvent welded joints. The joints and connections shall conform to the manufacturer's recommendations.

(H) The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

<i>Pipe Size</i>	<i>Grade</i>
6-inch pipe	1/8 inch per foot or 1 inch per 8 feet
4-inch pipe	1/4 inch per foot or 2 inches per 8 feet

(I) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications, except that no backfill shall be placed until the work has been inspected by the Superintendent or his or her representative. No sand or foreign material shall be allowed to enter the system during connection construction.

(J) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by artificial means and discharged to the building sewer, subject to approval by the Superintendent.

(K) The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for the property if the branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Superintendent.

(L) The applicant for the building sewer shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(M) All excavations for building sewer installation, maintenance or repair shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be, prior to final completion, inspected and approved by the Village Department of Public Works and restored at the expense of the owner in a manner satisfactory to the village.

(N) No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and the treatment plant, including the capacity for BOD and suspended solids in the treatment plant as determined by the village.

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

(P) The village shall not be responsible for the construction or maintenance of hookups, connections, or leads, and any defect or blockage therein shall be the responsibility of the owner. (Prior Code, § 1042.04) Penalty, see § 10.99

#### **§ 51.05 USE OF PUBLIC SEWERS.**

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

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

(C) No person shall discharge any of the following described waters or wastes to any public sewers:

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of twenty-five thousandths mg/l as CN in the wastes as discharged to the public sewer;

(3) Any waters or wastes having a pH lower than six and one-half or a pH in excess of nine and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

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

(5) Any liquid or vapor having a temperature higher than 150F (65C), or lower than 32F (0C);

(6) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 50 mg/l or containing substances which may solidify or become viscous at temperatures between 32F and 150F (0C and 65C);

(7) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the Superintendent;

(8) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(9) Any waters or wastes containing iron, chromium, copper, cadmium, hexavalent chrome, total chrome, zinc, nickel, and similar objectionable or toxic substances, or wastes exerting a chlorine demand in excess of 15 mg/l, to such degree that any such material received from each industry exceeds the limits established by the Superintendent or an appropriate state agency. The limitations and allowable concentrations of metallic and toxic wastes will be set by the state or federal government;

(10) Any waters or wastes containing phenols or other taste or odor-producing substances, in excess of two-tenths mg/l, or as approved by the appropriate state agency;

(11) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(12) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes, ink, and vegetable tanning solutions). The discharges shall be limited to prevent light absorbency which will interfere with treatment plant processes or prevent analytical determinations;

(c) A BOD in excess of 200 mg/l;

(d) A COD in excess of 450 mg/l;

(e) Material or flow or both in such quantities as to cause a "slug," as defined in this subchapter; and/or

(f) Average daily flow exceeding 3% of the total daily design flow at the sewage treatment plant.



(13) Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides of nitrogen) and other substances capable of public nuisance;

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

(15) Any substances which will cause a violation of the village's NPDES permit; and/or

(16) Any substance which will cause a violation of 40 C.F.R. pt. 403 pretreatment standards. The pretreatment standard, if more stringent than limitations imposed under this subchapter, shall immediately supersede the limitations imposed under this subchapter and shall be considered part of this subchapter.

(D) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) above, and which waters, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the village may, with the approval of the township:

(1) Reject the wastes;

(2) Require pretreatment to the level defined as "normal strength sewage";

(3) Require pretreatment to an acceptable level (other than normal strength sewage) for discharge to the public sewers;

(4) Require control over the quantities and rates of discharge; and/or

(5) Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the village concerning the proposed flows.

(E) If the village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. If the village and township accept the wastewater from an industry with discharges containing the substances or possessing the characteristics enumerated in division (C) above, the industry shall meet the following requirements.

(1) One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. He or she shall be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he or she shall be involved with prevention of accidental discharges of process wastes to the sanitary sewer system. He or she shall become aware of all potential and routine toxic wastes generated by his or her industry. He or she shall be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

(2) The industrial representative shall catalog all chemicals stored, used, or manufactured by his or her industry. The listing shall include specific chemical names, not manufacturers' codes. Though those wastes admitted to the sanitary sewer are the primary concern, all discharges should be catalogued. An estimate of daily average flows and strengths shall be made, including process, cooling, sanitary, and the like. The determination shall separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Superintendent and shall be treated as confidential information.

(3) The industrial representative shall attempt to determine whether or not large process alterations will occur within the next five years. He or she shall consult with management to determine if the alterations are scheduled and forthcoming.

(4) A sketch of the plant building(s) shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment shall be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system shall be included on the plant layout sketch.

(5) If pretreatment is required, there shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the municipal biological treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, and for keeping all toxic wastes and high-strength organic wastes to an acceptable level, is the responsibility of the industrial representative. All sludges generated by the treatment shall be handled in a manner acceptable to the Superintendent. Disposal by a licensed waste hauler or disposition in designated areas of a state-licensed sanitary landfill will meet this requirement. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.

(6) Throughout the industry, adequate secondary containment, curbing, or other appropriate measures shall be provided to protect against accidental spills and discharges of toxic substances to the receiving sewers. If curbing is used, the curbing shall be sufficient to hold 150% of the total process area tank volume. All floor drains found within the curb area shall be plugged and sealed. Spill troughs or sumps within process areas shall discharge to appropriate pretreatment tanks. Secondary containment or appropriate measures should also be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

(7) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurements of the wastes. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole 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.

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

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

(H) All testing shall be in accordance with U.S. Environmental Protection Agency regulations as published in 40 C.F.R. pt. 136. Wastewater constituent and characteristic sampling and analysis shall be performed in accordance with the procedures and methods detailed in *Standard Methods for Examination of Water and Wastewater*, American Public Health Association, 2009; *Manual of Methods for Chemical Analysis of Water and Wastes*, U.S. EPA 1995; and *Annual Book of Standards Parts 131, Water Atmospheric Analysis*, Volume 1102, 2007, American Society for Testing and Materials. Measurements and samples shall be taken at the control manhole provided for, or upon suitable samples taken at the control manhole. In the event

that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(I) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.

(J) Industrial cooling water containing the pollutants as insoluble oils or grease, or other suspended solids, shall be treated for removal of the pollutants and then discharged to the storm sewer.

(K) Agents of the village, the State Department of Natural Resources, or the U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge. (Prior Code, § 1042.05) Penalty, see § 10.99

#### **§ 51.06 PROTECTION FROM DAMAGE.**

(A) No person shall, without authorization, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

(B) No person shall, without authorization, willfully and maliciously break, damage, destroy, or injure any structure, appurtenance, or equipment which is part of the sewage works. If the damage done is at or less than the monetary limit for misdemeanors in the state, the person shall be guilty of a misdemeanor and shall be subject to the penalty provided in § 10.99. If the damage done exceeds the limit, the person shall be subject to a felony prosecution under state law. (Prior Code, § 1042.06) (Ord. 139, passed 2-24-1986) Penalty, see § 10.99

#### **§ 51.07 POWERS AND AUTHORITY OF INSPECTORS.**

(A) The Superintendent and other duly authorized employees of the village, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the village shall indemnify the claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(E)(7).

(C) The Superintendent and other duly authorized employees of the village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Prior Code, § 1042.07) (Ord. 139, passed 2-24-1986)

**§ 51.08 CONDITIONS OF SERVICE.**

(A) At the time of original construction of the public sewer, the village shall install that portion of the building sewer from the public sewer to the lot or easement line of all occupied premises. The village shall maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from the lot or easement line to their premises. The customer shall maintain, at his or her expense, the building sewer.

(B) Those customers making connections subsequent to the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from the public sewer to the lot or easement line in addition to that portion of the building sewer from the lot or easement line to their premises.

(C) The village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages or have any portion of a payment refunded for any interruption.

(D) The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the village.  
(Prior Code, § 1042.08) (Ord. 139, passed 2-24-1986) Penalty, see § 10.99

**§ 51.09 NOTICE OF VIOLATION; APPEALS.**

(A) Any person found to be violating any provision of this subchapter, except § 51.06, shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violation.

(B) A person may request an appeal by filing a written request with the Village Clerk within the time period stated in the notice of violation. The Village President shall appoint (within seven days after the village receives such a request) a three-person appeals board to hear the appeal, examine the evidence, and make a recommendation to the Village Council, and the Council shall make a final administrative ruling on the appeal.  
(Prior Code, § 1042.09) (Ord. 139, passed 2-24-1986)

**§ 51.10 VIOLATIONS.**

(A) (1) Any person found by the Superintendent or the Council, on appeal, to be violating a provision of this subchapter (except § 51.06) shall be liable to the village for the actual expense, loss, or damage incurred by the village by reason of the violation, unless the fine imposed pursuant to § 10.99 is greater, in which case the person shall pay the fine.

(2) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(B) Nothing in this subchapter shall be construed to prevent the village from seeking immediate judicial relief to halt or prevent any discharge of pollutants which reasonably appear to present an imminent endangerment to the health or welfare of persons; provided, however, that informal notice shall be given the discharger of the village's proposed request for judicial relief.  
(Prior Code, § 1042.99) (Ord. 139, passed 2-24-1986)

## **RATES AND CHARGES**

### **§ 51.25 DEFINITIONS.**

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

**REVENUES** and **NET REVENUES.** Shall be understood to have the meanings given in Public Act 94 of 1933, § 3, being M.C.L.A. §§ 141.101 *et seq.*, as amended.

**SEWER SERVICE CHARGE.** The charge levied on all users of the system for the cost of operation and maintenance and for the cost of any bond debt of which debt repayment is to be met from revenue of the system.

**SINGLE-FAMILY RESIDENTIAL EQUIVALENT.** The ratio of normal single-family residential sewer use to the establishment in question's sewer use, as set forth in Appendix A of this chapter.

**THE SYSTEM.** All facilities of the Township of Pentwater and all subsequent additions, including all sewers, pumps, lift stations, and other facilities used or useful in the collection, treatment, and disposal of domestic, commercial, or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

**TOWNSHIP.** The Township of Pentwater, as represented by the Township Board.

**VILLAGE.** The Village of Pentwater, Michigan, as represented by the Village Council. (Prior Code, § 1044.01) (Ord. 2, passed 3-12-1986)

### **§ 51.26 RESPONSIBILITY FOR OPERATION, AND THE LIKE, OF SYSTEM.**

(A) The operation, maintenance, alteration, repair, and management of the system is the responsibility of the township.

(B) The township and the village may jointly enter into an agreement whereby the village agrees to operate and maintain the entire sewage collection and treatment system, within both the village and the township. The village may employ any person or persons in any capacity or capacities as it deems advisable to carry on the efficient management and operation of the system, and the township may make any rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operation of the system. (Prior Code, § 1044.02) (Ord. 2, passed 3-12-1986)

### **§ 51.27 SEWER USE CHARGE SYSTEM.**

(A) All premises connected directly or indirectly to the sanitary sewers of the village, except as hereinafter provided, shall be charged and shall make payments to the village in the amounts computed on the basis of a residential user equivalent. There will be no free service within the system.

(B) The sewer user charges shall consist of a user operation and maintenance (O&M) charge and a user debt retirement charge, both as defined in §§ 51.01 through 51.10. The user (O&M) shall be billed quarterly for residential users and monthly for commercial and industrial users that are so designated by the village, at the village's discretion.

(C) The charges for services which are under the provisions of Public Act 94 of 1933, § 21, being M.C.L.A. §§ 141.121 *et seq.*, as amended, are made a lien on all premises served thereby and are hereby recognized to constitute such a lien. The Village Treasurer shall on May 1 and November 1 of each year certify all unpaid charges for the services furnished to any premises which on those dates have remained unpaid for a period of six months, to the Township Assessor or other responsible official, who shall add the same on the next tax roll. The charges so assessed shall be collected in the same manner as general village and township taxes.

(D) Rates to be charged to each user for service furnished by the sewer system shall be established,

changed or modified by resolution of the Village Council at a regular Council meeting.  
(Prior Code, § 1044.03) (Ord. 2, passed 3-12-1986; Ord. 2005-2, passed 1-10-2005)

### **§ 51.28 INDUSTRIAL COST RECOVERY SYSTEM.**

(A) The township does not contain any industries, as defined in §§ 51.01 through 51.10, that will be discharging industrial wastes into the sewerage system. If, in the future, the township allows an industrial user to utilize the sewerage system, the township will develop an industrial cost recovery system consistent with current state and federal regulations.

(B) In the event an industrial user is allowed to utilize the system, the industrial user shall pay a surcharge for high-strength waste that is determined by multiplying the ratio of the average five-day BOD divided by a five-day BOD of 200 mg/l, by that portion of the sewer use charge that is attributable to operation and maintenance. In no case shall the ratio of BODs so determined be less than one for rate calculation purposes. The residential user equivalent shall be determined by dividing the industry's water use by 14,000 gallons per quarter. In no case shall the residential user equivalent be less than one.  
(Prior Code, § 1044.04) (Ord. 2, passed 3-12-1986)

### **§ 51.29 SEWER CONNECTION CHARGES.**

(A) All premises connected directly or indirectly to the sanitary sewers of the township, and located on land included within the boundaries of a sanitary sewer special assessment district, shall be charged an assessment fee in accordance with the provisions of the special assessment district. In addition, where no lateral stub exists, or, in the case of a pressure sewer, where no septic tank, pumping chamber, and effluent pump exist, the actual cost of the installation of the stub or pumping chamber and effluent pump, along with the service lateral, will be borne entirely by the property owner.

(B) Where a sewer already exists, each person desiring to tap a single-family residential premises into the system shall pay in cash at the time of application, for a tap permit, a charge for the privilege of using the facilities and receiving the service of the system. The amount of the charge for premises other than single-family residential shall be as determined in Article III.

(C) Rates to be charged to each user for service furnished by the sewer system shall be established, changed or modified by resolution of the Village Council at a regular Council meeting.  
(Prior Code, § 1044.05) (Ord. 2, passed 3-12-1986)  
*Cross Reference:*

*Security deposits for meters for tenants,  
see § 50.032*

### **§ 51.30 PAYMENTS AND COLLECTIONS.**

(A) Bills will be mailed within the first ten working days following the end of the quarter. All bills are due and payable not later than the last day of the month in which the bill is mailed and shall be paid at the office of the Village Clerk. If any charge for the services of the system is not paid by the last day of the month in which it becomes due and payable, it shall be considered past due and a delayed payment charge of 10% of the amount of the bill shall be added thereto and collected therewith.

(B) (1) It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (a) That all bills are due and payable on or before the date set forth on the bill; and
- (b) That if any bill is not paid by or before that date, a second bill will be mailed

containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 60 days.

(3) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge May 10, 2010 in the sum of \$50.

(C) Bills and notices relating to the conduct of the business of the village will be mailed to the customer at the mailing address provided by the customer and listed on the application, unless a change of address has been filed in writing at the business office of the village, and the village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or of any performance required in the notice. The owners and occupants of the premises served by the municipal sewer service shall be deemed to be jointly and severally liable for sewer service provided to the premises. (Prior Code, § 1044.06) (Ord. 2, passed 3-12-1986; Ord. 2003-5, passed 12-8-2003)





**APPENDIX A: USER CHARGE UNITS**

<i>User Charge Units (Applicable Only to Township Sewer Users)</i>		
<i>Occupation Use</i>	<i>Units</i>	<i>Unit Factor</i>
Auto dealers - new and/or used	1.0	Per premises, plus 0.10 per 1,000 square feet of building, including service area
Auto repair/collision	1.0	Same as above
Auto wash (coin-operated do-it-yourself 10 gallons or less per car)	1.0	Per stall
Auto wash (mechanical over 10 gallons per car - not recycled)	10.0	Per stall or production line, including approach and drying area
Auto wash (mechanical over 10 gallons per car - recycled)	5.0	Per stall or production line, including approach and drying area
Banks, savings and loans, and other financial institutions	0.75	Per 1,000 square feet minimum 1 unit
Bar	2.0	Per bar, plus 4.0 per 1,000 square feet over 500 square feet
Barber shop	1.0	Per shop, plus 0.1 per chair after 2
Beauty shops	1.0	Per shop, plus 0.1 per booth after 2
Bowling alleys (no bar)	1.0	Per premises, plus 0.2 per alley
Campgrounds - modern campground with water and sewer to each site	0.4	Per site
Campgrounds - modern campground serviced by a service building	0.3	Per site
Campgrounds - primitive campground operated in conjunction with a modern campground	0.12	Per site; laundry community buildings and office to be computed separately
Churches and funeral chapels	0.25	Per 1,000 square feet - minimum 1 unit
Cleaners (cleaning and pressing facilities)	1.0	Per premises, plus 0.5 per 500 square feet
Clinics (medical or dental)	1.0	Per premises, plus 0.5 per exam room
Convalescent or boarding homes	1.0	Per premises, plus 0.25 per bedroom
Convents	1.0	Per premises, plus 0.25 per bedroom
Country clubs and athletic clubs	1.5	Per 1,000 square feet of clubhouse, plus restaurant and bar minimum 1 unit

*User Charge Units (Applicable Only to Township Sewer Users)*

<i>Occupation Use</i>	<i>Units</i>	<i>Unit Factor</i>
Drugstores	1.0	Per premises, plus snack bar and 0.1 per 1,000 square feet
Factories (office and production - not wet process)	0.40	Per 1,000 square feet - minimum 1 unit
Funeral home	1.5	Per 1,000 square feet - minimum 1 unit, plus residence to be computed separately

## Pentwater - Public Works

<i>User Charge Units (Applicable Only to Township Sewer Users)</i>		
<i>Occupation Use</i>	<i>Units</i>	<i>Unit Factor</i>
Grocery store and supermarkets	1.0	Per premises, plus 0.4 per 1,000 square feet
Hospitals	1.1	Per bed
Hotels, motels, and bed and breakfast	0.40	Per bedroom plus restaurant and bar and residence
Mobile homes (freestanding)	1.0	Per unit
Marina	0.3	Per slip, minimum 1.0 per marina. Laundry and the like to be computed separately
Mobile home parks	1.0	Per pad or site
Multiple-family residence - duplex or row houses	1.0	Per dwelling unit
Multiple-family residence - apartment complexes	1.0	Per dwelling unit
Post office	1.0	Per 1,000 square feet - minimum 1 unit
Professional office	0.25	Per 500 square feet - minimum 1 unit
Public institutions	0.75	Per 1,000 square feet - minimum 1 unit
Restaurants (meals only)	1.5	Per 1,000 square feet - minimum 1 unit
Restaurants (meals and drinks)	6.5	Per 1,000 square feet - minimum 3 units
Restaurant auxiliary dining rooms when used less than 20 hours per week	1.0	Per 1,000 square feet - minimum 1 unit
Retail store (other than listed)	1.0	Per premises, plus 0.1 per 1,000 square feet
Schools - without cafeterias, gymnasiums, or showers	1.2	Per classroom
School - with cafeterias and without gymnasiums or showers	1.2	Per classroom plus 1.0 per 1,000 square feet of cafeteria and kitchen area
Schools - with cafeterias, gymnasiums, and showers	-	Same as above plus 1.5 per 1,000 square feet of gym and locker room area
Service stations	0.6	Per 1,000 square feet of building area - minimum 1 unit
Single-family residence	1.0	Per residence
Snack bars, drive-ins, and the like	2.5	Per 1,000 square feet of building area - minimum 1 unit
Theater (drive-in)	0.04	Per car space - minimum 1 unit
Theaters	0.04	Per seat - minimum 1 unit

*User Charge Units (Applicable Only to Township Sewer Users)*

<i>Occupation Use</i>	<i>Units</i>	<i>Unit Factor</i>
Two-family residential	1.0	Per unit

<i>User Charge Units (Applicable Only to Township Sewer Users)</i>		
<i>Occupation Use</i>	<i>Units</i>	<i>Unit Factor</i>
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.1	Per 1,000 square feet - minimum 1 unit

(Prior Code, Ch. 1044, App. A) (Ord. 2, passed 3-12-1986)

