

## CHAPTER 51: WATER

Section

### *DEFINITIONS*

### *ADMINISTRATION*

- 51.001 Director
- 51.002 Maintenance and Operation
- 51.003 Water Bills and Revenues

### *WATER RATES*

- 51.004 Water Rate Schedule
- 51.005 Water Rates for Metered Customers: Commercial or Residential
- 51.006 Water Rates for Non-Metered Customers: Commercial or Residential
- 51.007 Water Rates for Customers Outside of Village Limits
- 51.008 Billing Intervals
- 51.009 Collection
- 51.010 Payment Application
- 51.011 Delinquent Billing

### *WATER USE*

- 51.012 Use of Water from Other Premises Prohibited
- 51.013 Subdivision, Splitting, or Combining of Property
- 51.014 Service Shutoff, Turn On
- 51.015 Potable Water
- 51.016 Connection for Fire Protection
- 51.017 Fire Hydrants
- 51.018 Lawn Sprinklers, Hose, and Street Sprinkling

### *WATER MAINS*

- 51.019 Water Mains – Control
- 51.020 Installation
- 51.021 Extensions and Alterations
- 51.022 Shut-off

### ***SERVICE PIPES AND CONNECTIONS***

- 51.023 Laying of Service Pipe
- 51.024 Service Pipes within Subdivisions
- 51.025 Service Pipe and Curb Stop Measurements
- 51.026 Stop and Waste Cock
- 51.027 Opening and Operation of Curb Stop
- 51.028 Responsibility for Service Pipes and Connections
- 51.029 Fixtures attached to Service Pipes
- 51.030 Service Pipe on Private Property
- 51.031 Permit for Connection and Associated Fee
- 51.032 Water Use/Tap-in Approval and Fee
- 51.033 Water Use/Tap-in Fee Following Discontinued Service

### ***CROSS CONNECTIONS AND BACKFLOW PREVENTION***

- 51.034 Cross Connections Not Allowable
- 51.035 Backflow Preventer Testing
- 51.036 Water Meters
- 51.037 Meter Locations
- 51.038 Meter Sizing
- 51.039 Installation Expense of Meter
- 51.040 Access to Meters
- 51.041 Owner's Responsibility for Meter
- 51.042 Bypass of Meter
- 51.043 Accuracy of Meter

### ***GENERAL PROVISIONS***

- 51.044 State Plumbing Code
- 51.045 Right of Access to Inspect or Enter
- 51.046 Shut-Off of Water
- 51.047 Notice of Violation
- 51.048 Discontinuation of Water Service Following Violation
- 51.049 Penalties
- 51.050 Severability

### ***DEFINITIONS***

**Backflow** – Shall mean water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

**Corporation Stop** – Shall mean the connection from the service pipe to the water main.

**Cross Connection** – Shall mean an arrangement of piping which could allow undesirable water, chemicals or bacteria to enter the potable water system as a result of backflow due to a back pressure or back siphonage situation.

**Director** – Shall mean the individual appointed by the Village Council who is charged with overseeing all aspects of the water works system.

**Guarantee Deposit** – Shall mean a fee, set by resolution of the Village Council, which must be deposited with the Village Treasurer prior to the commencement of water service.

**Occupant** – Shall mean a person who occupies a premises and causes water and/or sewer service to be used.

**Ordinance** – Shall mean, unless specifically stated otherwise, this Village of Port Sanilac Water Ordinance.

**Owner** – Shall mean a person who is shown as the taxpayer of record for a particular premise.

**Person** – Shall mean any individual, firm, partnership, association, public or private- corporation, Limited Liability Company, public agency, municipality or any other entity receiving water/sewer service.

**Premises** – Shall include a lot or part of a lot, a building or a part of a building, a structure, a project or any parcel or tract of land whatsoever, to which water is being, or is to be, supplied.

**Readiness to Serve Charge** – Shall mean the fixed monthly service charge payable by the user. This charge is determined through a rate study and set by resolution of the Village Council. The charge is intended to recover those costs associated with maintaining the Water System and customer accounts.

**Residential Equivalent Unit (REU)** – Shall mean a unit of water which incurs that same costs for operation and maintenance as the average volume of domestic water use for a single-family residence in the service area. The REU schedule shall be set by resolution of the Village Council.

**Shutoff Valve or Curb Stop** – Shall mean the service valve located on the service pipe between the Corporation Stop and Meter.

**Water Department** – Shall mean the Village of Port Sanilac department that is responsible for the operation of the water service system which consists of authorized personnel, plants, works, instrumentalities, lines, and properties now or hereafter existing, used or useful in the obtaining of a water supply, its treatment, distribution, and all other necessary functions including management of water accounts.

**Water Main** – Shall mean the primary and intermediate transmission lines and the local distribution lines of the System.

**Water Service Pipe** – Shall mean the pipe connecting the water main with the premises served. The water service pipe includes the connection to the water main (which is the corporation stop), the shutoff valve or curb stop, and the pipe leading to the inlet gate valve at the meter setting.

### *ADMINISTRATION*

#### **§ 51.001 DIRECTOR**

The Village Council shall appoint a Director of Water Works for the Village, who may also be the Director of the Department of Public Works, and who shall hold office until a successor is appointed and qualified.

#### **§ 51.002 MAINTENANCE AND OPERATION**

The director shall have the charge of overseeing the maintenance and operation of the entire water works system. The director shall supervise any extensions and/or alterations of the water works system as directed by the Council. The director, or a person under their direction, shall also be responsible for the reading of water meters.

#### **§ 51.003 WATER BILLS AND REVENUES**

The Village Bookkeeper shall collect all water bills, and the Village Treasurer shall deposit all revenues in a manner approved for municipal deposits. The Treasurer shall maintain a separate and accurate accounting of the revenues of the water department. The Village Treasurer shall report monthly the condition of the water department to the Village Council.

### *WATER RATES*

#### **§ 51.004 WATER RATE SCHEDULE**

The schedule of water rates shall be set by resolution of the Village Council. These rates, in conjunction with a Readiness to Serve Charge, shall be sufficient to cover expenses for operations, maintenance, repair, and replacement of the water system.

#### **§ 51.005 WATER RATES FOR METERED CUSTOMERS: COMMERCIAL OR RESIDENTIAL**

Charges for water service to each premises with a meter and connected to the Village water supply system shall be calculated according to actual usage and charged based on the schedule of water rates as set by resolution of the Village Council.

#### **§ 51.006 WATER RATES FOR NON-METERED CUSTOMERS: COMMERCIAL OR RESIDENTIAL**

Charges for those premises without a meter shall be based on an estimated calculation of the average consumption to be provided by the director with the approval of the Village Council. Non-metered customers who wish to challenge the charged amounts may be offered the opportunity

to contest the charged amounts to the Village Council. This amount shall be charged based on the schedule of water rates as set by resolution of the Village Council.

**§ 51.007 WATER RATES FOR CUSTOMERS OUTSIDE OF VILLAGE LIMITS**

Charges for water service for premises located outside of the Village limits shall be charged based on the schedule of water rates as set by resolution of the Village Council and taking into account any additional costs associated with such water usage.

**§ 51.008 BILLING INTERVALS**

Charges for Village water service shall be billed and collected quarterly, on the first day of January, April, July, and October.

**§ 51.009 COLLECTION**

If payments are not received on or before their due date, a late fee will be charged and the amount will be designated by the Annual Fee Schedule. If payment is not made by the 15<sup>th</sup> day after due, the Treasurer shall send out “Past-Due” Notices. If payment is not made by the 45<sup>th</sup> day after due, the water will be shut off at the corporation stop and waste box. Shut-off procedure shall be pursuant to Article IX, Section 9.040 of this Ordinance. Where the water service to any premises is shut-off to enforce the payment of water service charges, the service shall not be resumed until all delinquent charges and any related penalties have been paid in full. A charge for the shut-off and the turning-on of the water service shall also be assessed and must be paid prior to water service being returned.

(Amended 6/18/2019)

**§ 51.010 PAYMENT APPLICATION**

All credits applied and payments made will be posted to the oldest charges and fees on an account before applying to any current charges and fees.

**§ 51.011 DELINQUENT BILLING**

If any of the aforesaid water rates or bills remain unpaid for a period of six (6) months from their due date, a statement of the same shall be delivered by the Treasurer to the Assessor of the Village and shall then become a lien upon the property and shall legally be assessed by the assessor against the said property and be paid and collected as taxes as provided by Michigan State Law under Michigan Public Act 178 of 1939 (MCL §123.161 et seq).

***WATER USE***

**§ 51.012 USE OF WATER FROM OTHER PREMISES PROHIBITED**

No person shall take or use Village water from premises other than their own, and no person shall sell or give away water from their own premises for any purpose. No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be the same.

**§ 51.013 SUBDIVISION, SPLITTING, OR COMBINING OF PROPERTY**

If a property that has an existing water service pipe serving more than one building is subdivided into separate lots or parcels, and the owner does not have a direct water service from the main, then he/she must install a separate water service from the water main. If it is necessary to construct the

service across another property to reach the building, the owner must obtain a recorded easement from the other property owner. The existing water service pipe coming from the adjoining property must be disconnected at the owner's expense.

In the event multiple premises are attached to one another under single ownership, a single service pipe may be approved at the owner's request, provided such multiple premises are combined into one tax parcel.

#### **§ 51.014 SERVICE SHUTOFF, TURN ON**

Where the water has been shut off by the water department for any reason, no person or persons except the director or someone at the director's direction may turn the service on. The expense of any violation of this section shall be borne by the property owner pursuant to a fee schedule set by resolution of the Village Council.

#### **§ 51.015 POTABLE WATER**

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 Ordinance, the State of Michigan Safe Drinking Water Act, the Michigan Plumbing Code and the Michigan Residential Code, which are all incorporated by reference. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable water system, must be labeled in a conspicuous manner as: "WATER UNSAFE FOR DRINKING".

#### **§ 51.016 CONNECTION FOR FIRE PROTECTION**

Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than 25 feet of fire hose constantly attached and no water shall be taken through such opening hose for any purpose other than extinguishing fires, except for the purpose of testing said fire equipment. Permission from the Director allowing for the testing of equipment shall be secured prior to any testing.

#### **§ 51.017 FIRE HYDRANTS**

Fire hydrants are installed for the primary purpose of emergency use by the Fire Department and for flushing of water mains by authorized water department personnel.

Fire hydrants may be opened and used only by the water and fire departments of the Village or by such persons as may be specifically authorized by the water department. No person, firm, or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing, temporarily or otherwise, any object or materials of any kinds within 20 feet of the same.

#### **§ 51.018 LAWN SPRINKLERS, HOSE, AND STREET SPRINKLING**

Lawn sprinklers, hose, and street sprinklers shall be used only between the hours of 6:00 and 9:00 AM and 6:00 and 9:00 PM June 1<sup>st</sup> thru October 1<sup>st</sup>.

### ***WATER MAINS***

#### **§ 51.019 WATER MAINS – CONTROL**

The water mains of the Village shall be under the exclusive control of the director of water works. No other person or persons, other than agents or employees of the water department shall tap, change, obstruct, interfere with, or in any other way disturb the system of water mains.

#### **§ 51.020 INSTALLATION**

Any person, firm, or corporation installing water mains at their own expense shall first submit plans and specifications of such work to the director and the Michigan Department of Environmental Quality for approval. Following the required approval, the work shall be completed under the supervision of the director. The provisions of this paragraph shall also apply to the installation of any water mains outside the Village of Port Sanilac's corporate limits where permission has first been granted by the Village Council to connect such mains to the existing Village distribution system.

#### **§ 51.021 EXTENSIONS AND ALTERATIONS**

All extensions and alterations to the system of water mains shall be made under the supervision of the director, who shall act only on authorization of the Village Council. Petitions for the extension or alteration of water mains shall be addressed to the Village Council, which will consider the same and advise the petitioners of its decision.

#### **§ 51.022 SHUT-OFF**

The Port Sanilac Village Council retains the right to shut off any water supplied in water mains within or outside of the corporate limits of the Village due to any violation of this Ordinance or any other controlling Ordinance. Shut-off procedure shall be pursuant to Article IX, Section 9.030 of this Ordinance.

### ***SERVICE PIPES AND CONNECTIONS***

#### **§ 51.023 LAYING OF SERVICE PIPE**

All service pipe of either public or private property shall be laid on solid ground not less than five feet below the established grade of the street.

#### **§ 51.024 SERVICE PIPES WITHIN SUBDIVISIONS**

When subdivisions are added to or constructed in the Village of Port Sanilac, the owner or builder shall install all water lines, make all connections, and run all water lines to each lot in the

subdivision. The Village of Port Sanilac shall refund the subdivider twenty-five (25%) percent of the connection service fee for each lot as the homes are built, service is required, and all other fees are paid. The owner or builder shall be responsible for all remaining associated costs and fees.

**§ 51.025 SERVICE PIPE AND CURB STOP MEASUREMENTS**

From the main to the water meter or dwelling a service pipe shall be of a suitable diameter to allow for proper flow and pressure, as approved by the director of water works. Curb stops shall be a minimum of 3/4 inch, heavy road way stop and waste type, and shall be placed twelve (12) inches inside the sidewalk line. Premises requiring a service pipe larger than one (1) inch in diameter shall request approval of such from the water department and Village Council.

**§ 51.026 STOP AND WASTE COCK**

A separate stop and waste cock shall be placed on the service pipe just inside of the building or meter pit wall on the influent side of the water meter, when and if installed. Such stops shall be equal in quality to the service cock requirements.

**§ 51.027 OPENING AND OPERATION OF CURB STOP**

When new service pipes are put into any premises, the curb stop shall be left closed and shall only be opened by the director or the director's authorized agent. Curb stops shall only be operated by authorized water department personnel. Whenever a contractor or plumber desires to have the water department operate the curb stop for nonemergency work, they shall make a request in advance and an appointment will be scheduled. Unauthorized operation of a curb stop is subject to penalty pursuant to Section 9.060 of this Ordinance.

**§ 51.028 RESPONSIBILITY FOR SERVICE PIPES AND CONNECTIONS**

The corporation stop, the service pipe running from the main to the curb stop, the curb stop, and the stop box will all be provided, installed, and maintained by the water department following payment of the fee required for a water permit as provided under this Article. The service pipe running from the curb stop to the building on private property shall be installed and properly maintained by the owner of said property. The owner shall keep the stop box free from dirt, stones, or other substances that will prevent access to the curb stop.

**§ 51.029 FIXTURES ATTACHED TO SERVICE PIPES**

Any fixture attached to a service pipe in a permanent or semi-permanent fashion shall become the property of the Village of Port Sanilac and the water department. Should the owner or occupant leave the property following such an attachment or installation said fixture is to remain in place.

**§ 51.030 SERVICE PIPE ON PRIVATE PROPERTY**

All service pipe on private property and all water service piping within any premises shall be installed under the direction of, and with the approval of, the director of water works. No water shall be turned on or any corporate stop meddled with by any person other than the director of water works or a person under their direction. The Village Water Department has the authority to inspect any water lines and connections located on private property when necessary.



**§ 51.031 PERMIT FOR CONNECTION AND ASSOCIATED FEE**

Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by their representative at the office of the Village Clerk. Such application shall be made on forms provided and approved by the Director and contain any such information as the Director may require. Once the permit has been granted, and before the connection is made, a deposit shall be made to the Village Treasurer which shall cover the time and materials used in connecting the service connection. This fee shall be set by resolution of the Village Council. The bill for water covering the first quarter shall be paid at the time the deposit herein is made.

**§ 51.032 WATER USE/TAP-IN APPROVAL AND FEE**

No use/tap-ins shall be considered unless the associated fee, as set by resolution of the Village Council, is paid and plans to complete the work are approved by November 1 of the applicable year. There shall be no digging from November 15 to April 1, except when specifically authorized by the Department of Public Works under emergency conditions. Additional charges accrued under emergency conditions shall be based on time and materials.

**§ 51.033 WATER USE/TAP-IN FEE FOLLOWING DISCONTINUED SERVICE**

In the event that the property owner requests water services to be discontinued or the quarterly billings have also been discontinued, a new water use/tap-in fee must be paid prior to service being reinstated. Proper notice of this requirement shall be provided to the resident before compliance with the request.

***CROSS CONNECTIONS AND BACKFLOW PREVENTION***

**§ 51.034 CROSS CONNECTIONS NOT ALLOWABLE**

It shall be unlawful for any person to make or maintain, or allow to be made or to be maintained, upon property owned or controlled by any person or entity, a cross-connection between the potable water supply system and a secondary water supply system except where backflow prevention devices as specifically approved by the Water Department and Village Council are installed. It shall be the duty of the director or the director's authorized agent, to cause inspections to be made of all properties served by the public water supply system. The frequency of inspections and re-inspections, based upon potential health hazards involved, shall be established by director or the director's designee.

**§ 51.035 BACKFLOW PREVENTER TESTING**

The director or the director's designee shall require testing for backflow preventers to be completed by private individuals or companies, as required by the Michigan Department of Environmental Quality, the State Plumbing Act, or otherwise required by law. The cost for the required testing shall be borne by the property owner. If the director or their designee opines that there are emergency circumstances that require immediate testing, the director may hire a licensed plumber to perform such testing, with the cost to be borne by the customer.

## ***METERS***

### **§ 51.036 WATER METERS**

No person except an authorized Village employee shall break or injure the seal or change the location of, alter, or interfere in any way with any water meter. Water meters will be furnished by the water department and shall remain the property of the department, and will at all times be under its control. All commercial premises using water may be metered and all residential units shall be placed on a flat rate in accordance with the Annual Fee Schedule as set by the Village Council. All special cases shall be reviewed and approved by the Council at their regular meeting.

### **§ 51.037 METER LOCATIONS**

All meters shall be set in an accessible location and in a manner satisfactory to the director. Where the premises contain no basement or cellar or other suitable inside location, the meter shall be installed outside in a meter pit, the location of which shall be approved by the director. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner and according to the specifications of the water department as directed by the director.

### **§ 51.038 METER SIZING**

Meter sizing shall be determined by agreement between the director, the water department, and the property owner on a case-by-case basis.

### **§ 51.039 INSTALLATION EXPENSE OF METER**

The expense of installing and maintaining meters will be borne by the water department; provided however, that where replacements, repairs, or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense shall be charged to and collected from the owner or occupant of the premises. In the event that said owner or occupant fails to pay these charges the same shall be collectable by the Village Treasurer as provided under Article III of this Ordinance – Water Rates.

### **§ 51.040 ACCESS TO METERS**

The director shall have the right to shut off the supply of water to any premises where authorized employees are not able to obtain access to the meter. Any authorized Village employee shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the Village Water System, and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of their duties in relation thereto.

### **§ 51.041 OWNER'S RESPONSIBILITY FOR METER**

The owner or occupant of the premises upon which a meter is installed is hereby made responsible for the same. If by any manner the meter is damaged or stolen such accident must be reported immediately to the water department. It shall be the duty of the Village to make all meter repairs and charge same to the party made responsible for the meter.

**§ 51.042 BYPASS OF METER**

All water furnished by the Village and used on any premises with a meter must pass through the meter. No by-pass or connection around the meter will be permitted. If any meter shall fail to properly register, the consumer will be charged at the regular average, quarterly consumption rate as shown by the same meter over the period of the preceding four quarters when the meter was accurately registering.

**§ 51.043 ACCURACY OF METER**

A meter is considered accurate when it registers within five percent (5%) more or less than the actual quantity of water passing through it. If a meter is found to be inaccurate by the director, it shall be corrected or replaced.

***GENERAL PROVISIONS***

**§ 51.044 STATE PLUMBING CODE**

This code does not supersede the State Plumbing Code but is supplementary to it.

**§ 51.045 RIGHT OF ACCESS TO INSPECT OR ENTER**

The director of water works or the director's authorized agents, 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 for cross-connections.

Upon request, the owner or occupants of any property so served shall furnish 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 prima facie evidence of the presence of cross-connections. If there is a refusal, the Village is authorized to treat such refusal as a violation of the provisions of this Ordinance discontinue services pursuant to Section 9.030 of this Article. The Village is also authorized to pursue a Court Order to obtain access to the premises.

**§ 51.046 SHUT-OFF OF WATER**

Should it become necessary to shut-off the water from any section of the Village because of any accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby and will, as far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes, but the failure to give such notice shall not render the water department responsible or liable in damages for any inconvenience, injury or loss which may result therefrom.

**§ 51.047 NOTICE OF VIOLATION**

The director or the director's authorized agent, upon determining that a violation of the provisions exists, shall notify the owner and/or the occupant of the property so affected, in writing, of the nature of the violation, including a period of time for compliance which shall be commensurate with the degree of the hazard involved. The time period to allow for compliance shall be determined by the Village Council.

Such notice shall be deemed properly served if a copy is personally served or sent by regular mail to the occupant and/or owner at the address is listed on the Village Assessing Records. Violations which pose an extreme hazard may be disconnected immediately. The owner or occupant's failure to correct the violation within the period of time prescribed, and each day thereafter, shall constitute a separate violation of this Ordinance.

**§ 51.048 DISCONTINUATION OF WATER SERVICE FOLLOWING VIOLATION**

If the director of water works, or their authorized agent, has reason to believe that there is a violation of the provisions of this Ordinance, proper notice has been issued, and the owner and/or occupant of the property has failed to timely remedy the violation, then the director or the director's authorized agent is hereby authorized and directed to discontinue water service to the affected premises.

The director of water works, or the director's authorized agent may take such additional precautionary measures which may be deemed necessary to eliminate any danger of contamination of the potable water supply system. Where it is determined that the potable water supply system is being contaminated, such services may be terminated immediately. Water service to such property shall not be restored until any cross-connection has been eliminated in compliance with the provisions of this Ordinance.

**§ 51.049 PENALTIES**

Any person, firm, or corporation found to be in violation of any of the provisions of this Ordinance, upon being found responsible of such before a court of competent jurisdiction shall be punished under the provisions of Title 1, Section 10.99 of the Port Sanilac Code of Ordinances.

**§ 51.050 SEVERABILITY**

If any word, clause, sentence, paragraph or provision of this Ordinance is deemed to be invalid by a court of competent jurisdiction, such work, clause, sentence, paragraph or provision so designated shall be deemed severable and the remaining provisions of the Ordinance shall be deemed fully enforceable.

(Amended 1/17/2017)

## CHAPTER 52: SEWERS

### Section

#### *Construction and Use*

- 52.01 Definitions
- 52.02 Use of public sewers required
- 52.03 Building sewers and connections
- 52.04 Use of public sewers
- 52.05 Protection from damage
- 52.06 Powers and authority of inspectors
- 52.07 Registration

#### *Operation and Maintenance*

- 52.20 Operation
- 52.21 Definition
- 52.22 Management of system
- 52.23 Rates and charges; published in annual fee schedule
- 52.24 No free service
- 52.25 Rates sufficient for payment of expenses
- 52.26 Operating year
- 52.27 Set aside revenues
- 52.28 Insufficient funds; receiving fund
- 52.29 Investments

### **CONSTRUCTION AND USE**

#### **§ 52.01 DEFINITIONS.**

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

***B.O.D.*** (denoting ***BIOCHEMICAL OXYGEN DEMAND***). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.  
(1989 Code, App. B, § 1.170)

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

(1989 Code, App. B, § 1.150)

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

(1989 Code, App. B, § 1.160)

**GARBAGE.** Wastes from the preparation, cooking and dispensing of foods, and the handling, storage, processing and sale of perishable produce.

(1989 Code, App. B, § 1.130)

**INDUSTRIAL WASTES.** The liquid wastes, solids or semi-solids from industrial processes as distinct from domestic sanitary sewage.

(1989 Code, App. B, § 1.100)

**MAY.** The act referred to is permissive.

(1989 Code, App. B, § 1.210)

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

(1989 Code, App. B, § 1.080)

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

(1989 Code, App. B, § 1.200)

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

(1989 Code, App. B, § 1.180)

**PPM.** Parts per million by weight.

(1989 Code, App. B, § 1.220)

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

(1989 Code, App. B, § 1.140)

**PUBLIC SEWER.** A sewer in which all owners of abutting property have equal rights, and which is controlled by public authority.

(1989 Code, App. B, § 1.040)

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

(1989 Code, App. B, § 1.050)

**SEWAGE.** Any combination of water-carried wastes from residences, business buildings, institutions, laboratories and industrial establishments, together with such ground, surface and storm waters as may be present.

(1989 Code, App. B, § 1.020)

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

(1989 Code, App. B, § 1.090)

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

(1989 Code, App. B, § 1.010)

**SEWER.** Any pipe, tile, tube or conduit for carrying sewage.

(1989 Code, App. B, § 1.030)

**SHALL.** The act referred to is mandatory.

(1989 Code, App. B, § 1.210)

**STORM SEWER.** The part of the rainfall which reaches the sewers as run-off from natural land, building, roofs or pavements or as ground water infiltration.

(1989 Code, App. B, § 1.120)

**STORM SEWER** or **STORM DRAIN.** A sewer or drain, natural or artificial, which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.

(1989 Code, App. B, § 1.060)

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

(1989 Code, App. B, § 1.190)

**UNCONTAMINATED INDUSTRIAL WASTES.** Waste water which has not come into contact with any substance used in or incidental to industrial processing operations.

(1989 Code, App. B, § 1.110)

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

(1989 Code, App. B, § 1.070)

## **§ 52.02 USE OF PUBLIC SEWERS REQUIRED.**

(A) *Pollution.* It shall be unlawful for any person to place, deposit or permit to be deposited in an 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.

(1989 Code, App. B, § 2.000)

(B) *Water pollution.* It shall be unlawful to discharge to any natural outlet within the village or in any area under the jurisdiction of the village, any sanitary sewage, industrial wastes, except where suitable treatment has been provided in accordance with subsequent provisions in this subchapter.

(1989 Code, App. B, § 2.010)

(C) *Privies and septic tanks.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for disposal of sewage.

(1989 Code, App. B, § 2.020)

(D) *Sewer connection required.* The owners of all houses, buildings or properties 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 sanitary sewer of the village are hereby required, at their own expense, to install suitable toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this subchapter, within 90 days after date of official notice to do so.

(1989 Code, App. B, § 2.030)

Penalty, see § 10.99

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

(A) *Permit required.* No unauthorized person 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 village.

(1989 Code, App. B, § 3.000)

(B) *Permit fees.*

(1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either 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 Village Clerk. A permit and inspection fee, as set annually by resolution of the Village Council, for a building sewer permit shall be paid to the village at the time the application is filed.

(1989 Code, App. B, § 3.010)

(C) *Installation costs.*



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

(2) When subdivisions are added to or made in the village, it shall be required by the subdivider to install all sewer lines, make all connections and run all sewer lines to each lot in subdivision. The village shall refund the subdivider 25% of the connection service fee for each lot as homes are built, service required, and fee paid.

(1989 Code, App. B, § 3.020)

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

(1989 Code, App. B, § 3.030)

(E) *Used building sewers.* Old building sewers may be used in connection new buildings only when they are found, on examination and test by the Village Sewer Commission, to meet all requirements of this subchapter.

(1989 Code, App. B, § 3.040)

(F) *Pipe specifications.* The building sewer shall be case iron pipe, soil pipe ASTM specifications, A74-42 or equal, vitrified clay sewer pipe ASTM specification C200-NCPI ER4-67 scheduled 40 plastic pipe, state approved plastic or equal, or other suitable material approved by the Village Sewer Commission. Joints shall be tight and water-proof. Cast iron pipe with leaded joints may be required by the Village Sewer Commission where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe; except that, non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Village Sewer Commission.

(1989 Code, App. B, § 3.050)

(G) *Slope.* The slope of the building sewer shall be subject to the approval of the Village Sewer Commission, but in no event shall the diameter be less than four inches for single residences only. All others to be determined on an individual basis by the Sewer Commission. The slope of such pipe shall be not less than one-eighth inch per foot.

(1989 Code, App. B, § 3.060)

(H) *Connections at building.*

(1) No gravity building sewer connection shall be permitted from the lower level floor level of a building unless said floor level is at least one and one-half feet above the record high water level in Lake Huron; said high water level being determined by the records of the United States Lake Survey based on the International Great Datum of 1955.

(2) 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. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.  
(1989 Code, App. B, § 3.070)

(I) *Sump pump.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer for discharge into the main. Appropriate flow valves, system function monitors and other devices shall be installed to prevent flooding, siphon or reverse flow. The cost of installation and maintenance shall be borne by the property owner. On adoption day of this subchapter and thereafter, all sump pumps in the village now in service for the purpose of getting sewage to the main sewer line which are maintained and allowance given for electric power therefor (by resolution of the Village Council), will end upon the sale or transfer or ownership or occupancy of said property, other than present named owner or owners. Ownership of pumps will be transferred to subsequent property owners when property is sold, leased or otherwise transferred.  
(1989 Code, App. B, § 3.080)

(J) *Excavations.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village Inspector. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12-54; except that, no backfill shall be placed until the work has been inspected.  
(1989 Code, App. B, § 3.090)

(K) *Joints.*

(1) All joints and connections shall be made gas-tight and water-tight. Cast iron pipe joints shall be firmly packed with oakum and hemp and filled with molten lead, Federal Specifications QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and calked tightly. No paint, varnish or other coating material shall be permitted on the jointing material until after the joint has been tested and approved.

(2) Joints for vitrified clay sewer pipe shall conform to ASTM Designation C425-66T, Type I and III, and shall be of the flexible compression type. Joint material on both bell and spigot shall be polyurethane or other approved equal. Type III joints, if used, shall have a gasket or compression ring of resilient material which will be compressed within the annular space to form a closing seal.

(3) Material for hot poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160°F, nor be soluble in any of the wastes carried by the drainage system.

(4) Other jointing materials and methods may be used solely by approval of the Village

Inspector.

(1989 Code, App. B, § 3.100)

(L) *Connection to public sewer.*

(1) The connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located “Y” branch is available, the owner shall, at his or her expense, install a “Y” branch in the public sewer at the location specified by the Village DPW.

(2) Where the public sewer is greater than 12 inches in diameter and no properly located “Y” branch is available, a bell and spigot section shall be used to make the type of connection in division (L)(2)(b) below, with the spigot section shall be used not to extend past the inner surface of the public sewer the owner shall:

(a) Install a “Y” branch as heretofore specified; or

(b) Shall obtain entry by cutting a neat hole into the public sewer to receive the building sewer, either at the top for entry by means of a vertical riser, or at the side with entry in the downstream direction at an angle of about 45 degrees.

(3) The invert of the building sewer at the point of connection shall be at the same or at a high elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the Village DPW.

(1989 Code, App. B, § 3.110)

(M) *Inspections.* The applicant for the building sewer permit shall notify the Village Clerk when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Inspector.

(1989 Code, App. B, § 3.120)

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

(1989 Code, App. B, § 3.130)

Penalty, see § 10.99

## § 52.04 USE OF PUBLIC SEWERS.

(A) *Unpolluted water.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Footing drains and sump pump discharge shall not be

connected to the sanitary sewer.  
(1989 Code, App. B, § 4.000)

(B) *Storm drainage.* Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the village. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the village to a storm sewer or natural outlet.  
(1989 Code, App. B, § 4.010)

(C) *Prohibited uses.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into a public sewer, to wit:

- (1) Any liquid or vapor having a temperature higher than 100°F;
- (2) Any water or wastes which may contain more than 100 parts per million by weight of fat or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;
- (4) Any grease, oil or other substance that will become solid or viscous at temperatures between 32° and 150°F;
- (5) Any garbage that has not been properly shredded;
- (6) Any mineral oil or grease, ashes, cinders, sand, nuts, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (7) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in receiving waters of the sewage treatment plan;
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (10) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment facility;
- (11) Any wastes that contain insoluble solids in excess of 10,000 PFM or exceeds a daily average of 500 PFM or that contains a combination of soluble and insoluble material in excess of

20,000 PFM or exceeds a daily average of 2,000 PPM; and/or

(12) Any wastes containing any insoluble substance that will not pass four mesh per inch screen.

(1989 Code, App. B, § 4.020)

(D) *Interceptors*. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village Inspector, they are necessary for proper handling of liquid wastes containing grease in excessive amounts any inflammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Inspector, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

(1989 Code, App. B, § 4.030)

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

(1989 Code, App. B, § 4.040)

(F) *Preliminary treatment facilities*.

(1) The admission into the public sewer of any waters or wastes having:

(a) A five-day biochemical oxygen demand greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million of suspended solids;

(c) Containing any quantity of substance having the characteristics described in division (C) above; or

(d) Having an average daily flow greater than 2% of the average daily sewage flow of the village.

(2) Where necessary, in the opinion of the village, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(a) Reduce the biochemical oxygen demand to 300 parts per million by weight, and the suspended solids to 350 parts per million by weight;

(b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in division (C) above; or

(c) Control the quantities and rates of discharge of such waters or wastes.

(3) Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the village and the appropriate agency of the state and no construction of such facilities shall be commenced until the said approvals are obtained in writing.

(1989 Code, App. B, § 4.050)

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

(1989 Code, App. B, § 4.060)

(H) *Control manholes.* When required by the village, the owner of any property served by a building sewer carrying industrial wastes shall install such control or safety devices as may be deemed necessary for the proper protection of persons or property and/or a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the village. 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.

(1989 Code, App. B, § 4.070)

(I) *Measurements and tests.* All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage* and shall be determined at the control manhole, or upon suitable samples taken at said 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.

(1989 Code, App. B, § 4.080)

(J) *Agreements.* No statement contained in this section shall be construed as preventing any special assessment or arrangement between the village and any person whereby any waste or unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern.

(1989 Code, App. B, § 4.090)

(K) *Point conditions apply.* All the preceding specific conditions are to apply at the point where wastes are discharged into a public sanitary sewer and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(1989 Code, App. B, § 4.100)

Penalty, see § 10.99

## **§ 52.05 PROTECTION FROM DAMAGE.**

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

(1989 Code, App. B, § 5.000) Penalty, see § 10.99

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

The Village Inspector and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter.

(1989 Code, App. B, § 6.000) Penalty, see § 10.99

## **§ 52.07 REGISTRATION.**

(A) No person, firm or corporation shall lay, alter or repair any house drain or sewer, or make any connection whatever with any sewer or house or building belonging to the sanitary sewer system, or do any kind of work connected with the laying of house drains or house sewers or making any repairs, additions or alterations to any drain or sewer connected, or designed to be connected, with the sanitary sewer system, unless regularly registered by the village and bond posted in amount required by the village. Any person doing such work without registration shall be deemed guilty of a violation of this subchapter and shall be subject to penalties as hereinafter provided.

(1989 Code, App. B, § 7.000)

(B) Any person, firm or corporation desiring to do business as a sewer builder and to construct house drains connecting with the sewer system of the village shall file with the Village Clerk a petition giving the name of the individual, firm or corporation, together with his or her place of business and such other information as may be required by the village and asking to be registered by the Village Clerk as a sewer builder. Such petition must show that he or she is experienced in his or her trade and willing to be governed in all respects by the rules and regulations which are or may be adopted by the village. Each applicant shall, at the time of making his or her application, pay an annual registration fee, to be set annually by resolution of the Village Council, application shall contain an agreement on the part of the applicant that if licensed he or she will indemnify and save harmless the village from all accidents and damages by any negligence in protecting his or her work, or by an unfaithful, imperfect, inadequate careless or unskilled work done by him or her, and that he or she will also promptly and at proper time replace and restore sidewalk, pavement or street surface or any opening he or she may have made, to as good a state and condition as he or she found previous to opening the same, and keep and maintain the same in good order to the satisfaction of the village for a period of one year thereafter and shall post bonds in the amounts required by the village. On receiving his or her license, the Village Clerk shall make a record thereof and of the actual place of business, the name under which the business is transacted and the licensee shall immediately notify the Village Clerk of any change in either thereafter. No license shall be granted for more than one year and all licenses shall be granted to expire on May 1 next succeeding their issue. The contractor shall provide bond as required by the village.  
(1989 Code, App. B, § 7.010)

## ***OPERATION AND MAINTENANCE***

### **§ 52.20 OPERATION.**

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the village, that the County Sanitary Sewer Disposal System No. 1 (Village of Port Sanilac) be operated by said village and the County Board of Public Works on a public utility rate basis, in accordance with the provisions of Public Act 94 of 1933, being M.C.L. §§ 141.101 through 141.140 as amended.  
(1989 Code, App. A, § 1.000)

### **§ 52.21 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***. The meanings as defined in Public Act 94 of 1933, § 3, being M.C.L. § 141.103, as amended.

***SYSTEM***. The complete County Sanitary Sewage Disposal System No. 1 (Village of Port



Sanilac), including all sewers, pumps, lift stations, treatment facilities and all 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.

(1989 Code, App. A, § 1.010)

## **§ 52.22 MANAGEMENT OF SYSTEM.**

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the Village Council, subject to the terms of the previously executed contract between the county and the village. Said Village Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the system.

(1989 Code, App. A, § 1.020)

## **§ 52.23 RATES AND CHARGES; PUBLISHED IN ANNUAL FEE SCHEDULE.**

(A) *Rates.* Rates to be charged for service furnished by the system shall be published in the Annual Fee Schedule set out in § 10.99.

(1) *Sewer use charges.* Charges for sewer use shall be levied upon all premises having any sewer connection with the public sewers at a rate equal to 100% of the charges for water furnished to such premises. Where all or part of the water service to the premises is from a source other than the village system, water consumption may be estimated.

(2) *Sewer use charges.*

(a) There shall be paid on behalf of each single-family residential premises tapping into any of the sewer lines comprising the system, in cash, at the time of application for the tap use, permit, a charge for the privilege of using the facilities and receiving the service of the system in the amount of \$750, plus such sums as will compensate for the cost of making and inspecting the tap.

(b) The village shall adopt and revise from time to time a schedule of tap charges, published in the Annual Fee Schedule, for premises other than single-family residences based on the ratio of sewage use of such class of premises to normal single-family residential use.

(3) *Special rates.* For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council and published in the Annual Fee Schedule.

(B) *Billing.* Bills will be rendered quarterly at the same time as the village water billings.

(C) *Enforcement.*

(1) The charges for services which are under the provisions of Public Act 94 of 1933, § 21, being M.C.L. § 141.121, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the village official or officials in charge of the collection thereof shall certify annually on June 1 of each year, to the Tax Assessing Officer of the village the facts of such delinquency, whereupon such charge shall be by him or her 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 and lien thereof enforced. Where notice is given that a tenant is responsible for such charges and services as provided by said § 21, no further service shall be rendered such premises until a cash deposit in the amount of \$50 shall have been made as security for payment of such charges and service.

(2) In addition to the foregoing, the village shall have the right to shut off sewer service to any premises, as the law regulates, for which charges for sewer service are more than six months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council have been paid. Further, such charges and penalties may be recovered by the village by court action.  
(1989 Code, App. A, § 1.030)

(D) *Schedule of sewer use charges.* The schedule of sewer use charges shall be in the Annual Fee Schedule, if applicable.  
(1989 Code, App. A, Schd.)

**§ 52.24 NO FREE SERVICE.**

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.  
(1989 Code, App. A, § 1.040)

**§ 52.25 RATES SUFFICIENT FOR PAYMENT OF EXPENSES.**

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the village to the county pursuant to the aforesaid contract between said county and the village as the same become due, and to provide for such other expenditures and funds for said system as this subchapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.  
(1989 Code, App. A, § 1.050)

## **§ 52.26 OPERATING YEAR.**

The system shall be operated on the basis of a fiscal year corresponding with that of the village's water system.

(1989 Code, App. A, § 1.060)

## **§ 52.27 SET ASIDE REVENUES.**

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

(B) *Operation and Maintenance Fund.* Out of the revenues in the Receiving Fund, there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(C) *Contract Payment Fund.* There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the village's obligations to the county pursuant to the aforesaid contract. There shall be deposited in said Fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the village legally available for such purpose.

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

(E) *Improvement Fund.* There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited in said Fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.

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

(G) *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the village within this single bank account, in the manner above set forth.  
(1989 Code, App. A, § 1.070)

#### **§ 52.28 INSUFFICIENT FUNDS; RECEIVING FUND.**

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies and special assessments, shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.  
(1989 Code, App. A, § 1.080)

#### **§ 52.29 INVESTMENTS.**

Moneys in any fund or account established by the provisions of this subchapter may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act 94 of 1933, being M.C.L. §§ 141.101 through 141.140 as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank and trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.  
(1989 Code, App. A, § 1.090)