

Chapter 17

Utilities And Sewers*

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Article I. In General

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Article II. Water

Division 1. Generally

Secs. 17a26-17-50. Reserved.

Division 2. Waterworks Use Regulations

Sec. 17-51. Violations; discontinuance of service, restoration procedure.

Any person violating any of the provisions of this division may be ordered by the village council to be deprived of the use of water from the public waterworks system by having the same shut off. Any person who has had the water from his premises shut off by order of the council may have the use of the same again by complying with the conditions of this division and the rules and regulations prescribing the use of water, paying all expenses incurring in shutting off the water and giving a bond to be approved by the council in the sum of one hundred dollars (\$100.00), conditioned upon the faithful observance of all rules and regulations on his part to be performed.

(Ord. No.1, § 1, 9-16-57)

Sec. 17-52. Unauthorized taps.

No person except the village engineer shall tap any water main belonging to the public water system.

(Ord. No.1, § 2, 9-16-57)

* **Cross references**-Administration, Ch. 2; buildings and building regulations, Ch. 4; nuisances generally, Ch. 9; planning, Ch. 12; zoning, Ch. 18.

State law reference-Waterworks, MCL 71.1et seq., MSA 5.1409et seq.

Sec. 17-53. Village engineer to submit return detailing work performed.

(a) The village engineer shall, within forty-eight (48) hours, make a complete return to the village clerk of any work done in connection with the public waterworks system, together with a detailed list of all articles and fixtures used.

(b) The village engineer making such returns shall give the name of the street and the number of the lot with the owner's name and a sketch map showing the exact location in feet and inches of the place of tapping the water main.

(Ord. No.1, §§ 3, 4, 9-16-57)

Sec. 17-54. Permission of water committee required to turn on water previously shut off.

No plumber, pipe fitter or other person shall in any way turn on water after being once shut off without permission therefore issued by the water committee of the village. The water committee shall consist of three (3) members of the council appointed by the council.

(Ord. No.1, § 5, ,9-16-57)

Sec. 17~55. Engineer's approval required for service connections, other attachments.

No service connections or other attachments to any of the water mains shall be made except by approval of the village engineer.

(Ord. No.1, § 6, 9-16-57)

Sec; 17.56. Taking water from fire hydrants, fountains, etc.; permit.

No person except the authorized agents of the water committee or the chief engineer of the fire department shall take water from any public or private fire hydrant, fireplug, street washer, draw cook, hose pipe or fountains (except for fire purposes or for the use of the fire department in case of fire), nor shall in any way use or take any water for private purposes which is furnished by the waterworks, unless such person shall first pay for the privilege and receive the usual permit to do so.

(Ord. No.1, § 7, 9-16-57)

Sec. 17-57. Unauthorized use of tools, apparatus belonging to waterworks system.

No person except a member of the water committee, a duly authorized agent of the water committee, or the chief engineer of the fire department shall be allowed to open any hydrant, stop cock or valve, or take or use any wrenches, or any other apparatus or appliances belonging to the system of waterworks at any time.

(Ord. No.1, § 8, 9-16-57)

Sec. 17.58. Stopcocks, waste cocks.

Every service pipe shall be provided with a stop and waste cock for each consumer, easily accessible and so situated that the water can be conveniently shut off and drained from the pipe.

(Ord. No.1, § 10, 9-16-57)

Sec. 17.59. Right of entry to check pipes, fixtures, etc.

The water committee or its representative shall be authorized to enter and have free access at all reasonable hours to premises to ascertain the location or condition of all hydrants, pipes or other fixtures attached to the waterworks.

(Ord. No.1, § 11, 9-16-57)

Sec. 17-60. Repair, maintenance, protection of pipes, fixtures.

Persons taking water must keep their service pipes and all fixtures connected therewith in good repair and protected from frost at their own expense.

(Ord. No.1, § 12, 9-16-57)

Sec. 17-61. Use of water for cisterns, swimming pools, other special uses.

Any persons desiring the use of water for cisterns, tanks, swimming pools or other intermittent or special uses must make and file with the clerk a true statement of the special uses desired and pay such sum as may be ordered by the council consistent with the amount of water used. In case a meter is deemed advisable by the water committee for the purpose of ascertaining the amount of water used, the village shall put a meter on to determine the amount of water used. No water shall be used for special purposes without a permit in writing from the clerk.

(Ord. No.1, § 13, 9-16-57)

Sec. 17-62. Delegation of authority, loaning of tools by authorized persons.

No person authorized by the water committee to open hydrants shall delegate or attempt to delegate his authority to another, nor loan or suffer any other person to take and use the wrenches furnished him or suffer the same to be taken from a house in the village, except for purposes strictly connected with the fire department or as they accompany hose carts in case of fire.

(Ord. No.1, § 14, 9-16-57)

Sec. 17-63. Stopcocks on private hydrants, sprinklers, etc.

No person shall be allowed to put in hydrants, sprinklers, or private fireplugs without a stopcock.

(Ord. No.1, § 15, 9-16-57)

Sec. 17.64. Specifications for service connections.

Connections with the water service pipe must be laid at least four and one-half (4 1/2) feet deep. After service pipes are laid all refilling must be in not to exceed nine (9) layers with each layer thoroughly tamped, and this work, together with replacing sidewalk ballast and ballast for paving must be done in such a manner as to leave the street, sidewalk, and paving in as good a condition as before it was disturbed and to the satisfaction of the water committee. No opening of the street for tapping the mains will be allowed when the ground is frozen without the written permit of the water committee. (Ord. No.1, § 16, 9-16-57)

Sec. 17-65. Systems for use only in case of fire.

If proprietors of manufactories, lumberyards, halls, stores, elevators, warehouses, hotels or public buildings, being regular consumers of water from the water system, desire to lay large pipes with hydrants and hose couplings to be used only in case of fire such connections may be made and permitted with the main at their own expense, upon applications to the water committee and under its direction and will be allowed the free use of the water for fire purposes only but all such pipes must be provided with a suitable valve which must be sealed by the water committee or its agent and a stop and waste cock attachment at the bottom of the inside of the building. In case the seal is broken for the extinguishment of fire, the party shall immediately give due notice to the water committee and in case the seal shall be broken for any other use the party so offending shall be deemed guilty of a misdemeanor and he shall be punished as a violator of the provisions of this article. (Ord. No.1, § 17,9-16-57)

Sec. 17-66. Excavations near water mains.

No person not an authorized agent of the water committee shall make an excavation for the purpose of laying any water, gas or sewer pipe, or for any other purpose whatsoever on lines parallel with water mains within six (6) feet on either side thereof without the written consent and permission of the village council. (Ord. No.1, § 18, 9-16-57)

Sec. 17-67. Procedure, specifications for connections to main.

All persons desiring the use of water from the public waterworks system must first get a permit from the village clerk for each building, residence or place of business and pay the fee for tapping the main and inserting the stopcock and connecting the same with service cock and placing box therein, together with the furnishing of all the material for the completion of the above to the inside of the curb or not to exceed fifty (50) feet from where connection with the main is made, which amount in all instances must accompany the applications. The connections shall remain the property of the village. The service cock shall be placed inside the curb on all paved streets except in cases where vaults have been built under sidewalks, when they shall be placed outside of and as near the curb as practicable. On all other streets they shall be placed seven (7) feet from lot lines or as

near as may be convenient. The use of lead service pipe or solder or flux containing lead, in the installation and repair of any facility or residence water system in the village shall be prohibited.

(Ord. No.1, § 9, 9-16-57; Ord. No. 37, 3-12-92)

Sec. 17.68. Tap-in charges.

Water tap-in charges shall be as follows:

<i>Service size (inches)</i>	<i>Charge</i>
¾	\$ 250.00
1	300.00
1 ½	350.00
2	400.00
2 to 8	Time plus materials

(Ord.No.1, § 9, 9-16-57;Ord. No. 1A, 9-12-66;Ord. No. IB, § 2, 2-1-71;Ord.No. IC, § 2, 11-5-79;Ord. No. ID, 7-1-86)

Sec. 17-69. Rates.

The rates for service furnished by the water system shall be fixed and may be revised from time to time by resolution of the village council in such manner as to reasonably provide funds for the operation of the water system. Copies of such resolutions shall be on file in the village clerk's office.

(Ord. No.1, § 19, 9-16-57)

Secs. 17-70-:17-85. Reserved.

Division 3. Cross Connections

Sec. 17-86. Adoption of rules.

The village adopts by reference the water supply cross connection rules of the state department of public health being R325.11401 to R325.11407 of the Michigan Administrative Code.

(Ord. No. 44, § 1, 10-9-78)

Sec. 17.87. Inspections..

It shall be the duty of the village water department 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 state department of public health.

(Ord. No. 44, § 2, 10-9-78)

Sec. 17.88. Right of entry.

The representative of the village water department 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, lessee or occupant 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 access when requested, shall be deemed evidence of the presence of cross connections.

(Ord. No. 44, § 3, 10-9-78)

Sec. 17.89. Violations; discontinuance of water service.

The village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any' connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply systems. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(Ord. No. 44, § 4, 10-9-78)

Sec. 17.90. Labeling of water not supplied by potable water system.

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 article 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 such as "WATER UNSAFE FOR DRINKING".

(Ord. No. 44, § 5, 10-9-78)

Secs. 17.91-17.105. Reserved.

Article III. Sewers

Division 1. Generally

Secs. 17-106-17.130. Reserved.

DIVISION 2. OPERATION AND MANAGEMENT OF TUSCOLA COUNTY
SEWAGE DISPOSAL SYSTEM NO.2

Sec. 17.131. Definitions.

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

Revenues or net revenues mean the same as defined in Section 3 of Act No. 94 of the Public Acts of Michigan of 1933, (as amended).

System means the complete Tuscola County Sewage Disposal System No.2 (Village of Millington), 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.
(Ord. No. 34, § 2, 9-28-70)

Sec. 17-132. Determination of need; village as county agent.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the village that the Tuscola County Sewage Disposal System No.2 (Village of Millington) be operated by the village as agent for the county board of public works on a public utility rate basis, in accordance with the provisions of Act No. 94 of the Public Acts of Michigan of 1933, (as amended).
(Ord. No. 34, § 1, 9-28-70)

Sec. 17-133. Supervision and control; employment of personnel.

The operation, alteration, repair and management of the system shall be under the supervision and control of the county board of public works, subject to the terms of the contract dated September 28, 1970, between the county and the village. The village may employ such persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system, and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.
(Ord. No. 34, § 3, 9-28-70)

Sec. 17-134. Rates for service.

Rates to be charged for service furnished by the system shall be based on metered water usage and shall be five dollars (\$5.00) per month plus one dollar (\$1.00) per one thousand (1,000) gallons of water used. The sewer tap-in fees shall be based on time plus materials. The sewer fee for nonresidents of the village shall be double the fee charged to residents within the village.
(Ord. No. 34, § 4, 9-28-70; Mo. of 11-9-92; Mo. of 12-9-96)

Sec. 17-135. Tap charges.

There shall be paid on behalf of each single-family residential premises tapping into any of the sewer lines constituting the system, in cash, at the time of application for the tap permit, a charge for the cost of making and inspecting such tap in the amount of two hundred fifty dollars (\$250.00).
(Ord. No. 34, § 4, 9-28-70)

Sec. 17-136. Special rates.

For miscellaneous or special system services for which a special rate shall be established, the rates shall be fixed by the village council.

(Ord. No. 34, § 4, 9-28-70)

Sec. 17-137. Billing.

Sewer bills will be rendered quarterly at the same time as the village water billings and shall bear the same payment and penalty provisions as the water bills.

(Ord. No. 34, § 4, 9-28-70)

Sec. 17-138. Enforcement.

The charges for services which are under the provisions of Section.21 of Act No. 94 of the Public Acts of Michigan of 1933(MCL 141.101 et seq., MSA 5.2731 et seq.), 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 (6) months, the village official in charge of the collection thereof shall certify annually, on March 1 of each year, to the tax-assessing officer of the village the facts of such delinquency, whereupon such charge shall be entered by him 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 the lien thereof enforced. Where notice is given that a tenant is responsible for such charges and service as provided by Section 21, no further service shall be .rendered such premises until a cash deposit in the amount of fifty dollars (\$50.00) has been made as security for payment of such charge and service. In addition to the foregoing, the village shall have the right to shut off water and/or sewer service to any premises for which charges for sewer service are more than three (3) 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.

(Ord. No. 34, § 4, 9-28-70)

Sec. 17-139. Free service.

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

(Ord. No. 34, § 5, 9-28-70)

Sec. 17-140. Connection upon availability to premises.

All premises to which services of the system shall be available shall connect to the system within ninety (90) days after the mailing of a notice to such premises by appropriate officials in charge of the system indicating that such services are available.

(Ord. No. 34, § 6, 9-28-70)

Sec. 17.141. Use of revenue; revision of rates.

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

(Ord. No. 34, § 7, 9-28-70)

Sec. 17-142. Fiscal year.

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

(Ord. No. 34, § 8, 9-28-70)

Sec. 17.143. Receiving fund.

(a) *Established.* 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 the sewage disposal system receiving fund (hereinafter for brevity referred to as the receiving fund), and the 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 the 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 the 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 the fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay the 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 the replacement fund, which shall be used solely for the purpose of

making major repairs and replacements to the system if needed. There shall be set aside into the fund, after provision has been made for the operation and maintenance fund 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 into the fund, after providing for the foregoing funds, 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 purpose of the system.

(g) *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one (1) 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.

(Ord. No. 34, § 9, 9-28-70)

Sec. 17.144. Deficit in operation and maintenance fund; transfers from other funds.

If the moneys in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any moneys and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies, shall be transferred to the operation and maintenance fund to the extent of any deficit therein.

(Ord. No. 34, § 10, 9-28-70)

Sec. 17.145. Investments.

Moneys in any fund or account established by the provisions of this division may be invested in obligations of the United States of America, in the manner and subject to the limitations provided in Act No. 94 of the Public Acts of Michigan of 1933 (as amended). If such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the funds from which such purchase was made. Income received from such investments shall be credited to the fund from which the investments were made.

(Ord. No. 34, § 11, 9-28-70)

Secs. 17.146-17.160. Reserved.

Sec. 17-161. Definitions.

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

B.O.D. (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a sanitary sewage 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 (5) feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal. *Combined sewer* means a sewer receiving both surface runoff and sewage.

Engineer means the municipal staff engineer or consulting engineer.

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

Industrial wastes means the liquid wastes from industrial, manufacturing processes, trade or business .as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

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

Properly shredded garbage means 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 any dimension.

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

Sanitary sewer means a sewer which carries sewage and to which storm waters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

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

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

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

Storm drain or storm sewer means a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent means the superintendent of the sewer and water department of the village, or his authorized deputy, agent or representative.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

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

(Ord. No. 35, art. I, 4-3-72)

Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 17-162. Municipal civil infraction.

A person who violates any provision of this chapter, except section 17-177, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by section 1-9(c)(2) of this Code.

(Ord. No. 35, art. VIII, §§ 1-3,4-3-72; Ord. No. 62, § 4, 8-12-96)

Sec. 17-163. 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 division. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (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 municipal employees and the village shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 17-174.

(Ord. No. 35, art. VII, §§ 1, 2, 4-3-72)

Sec. 17.164. Use of public sewers required.

(a) It shall be unlawful for any person to 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.

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

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

(d) The owner 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 now located or may in the future be located a public sanitary or combined sewer of the village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within ninety (90) days after date of official notice to do so, provided that the public sewer service is available to the property.

(Ord. No. 35, art. II, §§ 1-4, 4-3-72)

Sec. 17-165. Private sewage disposal.

(a) Where a public sanitary or combined sewer is not available under the provisions of section 17-164 the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the county health department sanitarian. The application for such permit shall be made on a form furnished by the county, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the county sanitarian.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the county sanitarian. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the county sanitarian when the work is ready for final inspection and before any underground portions are covered.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of public health and the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twelve thousand (12,000) square feet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (d) of this section, a direct connection shall be made to the public sewer in compliance with this division, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(h) When a public sewer becomes available, the building sewer shall be connected to the sewer within ninety (90) days after official notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 35, art. III, §§ 1-8, 4-3-72)

Sec. 17-166. Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

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

(c) A separate and independent building sewer shall be provided for every building.

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

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

(f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

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

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

(i) The applicant for the building sewer permit 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 representative.

(j) 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.
(Ord. No. 35, art. IV, §§ 1-10, 4-3-72)

Sec. 17.167. Prohibited discharges to sanitary sewers.

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

(Ord. No. 35, art. V, § 1, 4-3-72)

Sec. 17-168. Discharges to storm sewers, natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the engineer. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer or natural outlet.

(Ord. No. 35, art. V, § 2, 4-3-72)

Sec. 17.169. Prohibited discharges.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity (either singly or by interaction with other wastes) to 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 two (2) mgll as CN in the wastes as discharged to the public sewer);
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. No. 35, art. V, § 3, 4-3-72)

Sec. 17-170. Prohibited substances; consideration of acceptability.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the engineer that such wastes can harm either the sewers, sewage treatment process or equipment, have an

adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the engineer will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius);
- (2) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) ppm; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
- (3) Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the superintendent;
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials;
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the engineer as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the engineer in compliance with applicable state or federal regulations;
- (8) Any waters or wastes having a **pH** in excess of 9.5;
- (9) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as but not limited to dye wastes, vegetable tanning solutions);
 - c. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. Unusual volume of flow or concentration of wastes constituting slugs;
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent

cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
(Ord. No. 35, art. V, § 4, 4-3-72)

Sec. 17-171. Authority of engineer to reject wastes, require pretreatment.

(a) 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 section 17-170, and which in the judgment of the engineer may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the engineer may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge;
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and sewer charges, under the provisions of section 17-176.

(b) If the superintendent 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 engineer, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. No. 35, art. V, § 5, 4-3-72)

Sec. 17-172. Interceptors.

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 excessive amounts, or any flammable wastes, sand or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. No. 35, art. V, § 6, 4-3-72)

Sec. 17-173. Maintenance of private pretreatment or flowequalizing facilities.

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 expense.

(Ord. No. 35, art. V, § 7,4-3-72)

Sec. 17-174. Control manhole.

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 such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 35, art. V, § 8, 4-3-72)

Sec. 17-175. Measurements, tests, analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, and shall be determined at the control manhole provided for, or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether grab sample or samples should be taken. Normally, but not always, B.O.D. and S.S. analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(Ord. No. 35, art. V, § 9, 4-3-72)

Sec. 17-176. Special agreements.

No statement contained in this division 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 therefore by the industrial concern.

(Ord. No. 35, art. V, § 10, 4-3-72)

Sec. 17-177. 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. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. No. 35, art. VI, § 1, 4-3-72)

Article IV: Gas Franchise

Sec. 17-178. Grant term.

The village hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the village for a period of thirty (30) years.

(Ord. No. 54, § 1, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-179. Consideration.

In consideration of the rights, power and authority hereby granted, the grantee shall faithfully perform all things required by the terms hereof.

(Ord. No. 54, § 2, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-180. Conditions.

No highway, street, alley, bridge or other public place used by the grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when the work was commenced. All of grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

(Ord. No. 54, § 3, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-181. Hold harmless.

The grantee shall at all times keep and save the village free and harmless from all loss, costs and expenses to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the village on account of the permission herein given, the grantee shall, upon notice, defend the village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

(Ord. No. 54, § 4, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-182. Extensions.

The grantee shall construct and extend its gas distribution system within the village, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

(Ord. No. 54, § 5, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-183, Franchise not exclusive.

The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

(Ord. No. 54, § 6, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-184. Rates,

The grantee shall be entitled to charge the inhabitants of the village for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which the commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in the village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either the village, acting by its village council, or by the grantee.

(Ord. No. 54, § 7, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-185. Revocation.

The franchise granted by this article is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

(Ord. No. 54, § 8, 7-6-92; Ord. No. 64, § 2, 8-12-96)

Sec. 17-186. Michigan Public Service Commission-Jurisdiction.

The grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in the village.

(Ord. No. 54, § 9, 7-6-92; Ord. No. 64, § 2, 8-12-96)