

CHAPTER 51: SEWERS

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§ 51.01 TITLE.

This chapter shall be known as the "Webberville Sewer Ordinance."

(Ord. 114, passed 11-7-1988)

§ 51.02 DEFINITIONS.

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

AVAILABLE PUBLIC SANITARY SEWER SYSTEM. A public sanitary sewer system located in a right-of-way, easement, highway, or public way which crosses, adjoins, or abuts upon the property which passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

B.O.D. The biochemical oxygen demand, which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C, expressed as milligrams per liter.

BUILDING SEWER. The sewer that connects the building in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage of but one building.

COMMERCIAL USERS. Any establishment being involved in a commercial enterprise, business, or service which, based upon a determination by the village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

COMPATIBLE POLLUTANT. A substance amenable to treatment in a publicly owned wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES permit of the publicly owned treatment works designed to treat the pollutants and which does in fact remove the pollutants to a substantial degree. The "additional pollutants" may include, but not be limited to: chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

COUNTY. The County of Ingham, State of Michigan.

DEBT SERVICE CHARGE. The charge assessed users of the system which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction of improvements of and extensions to the system.

DIRECT CONNECTION. The connection of premises where sanitary sewage originates directly to sewer lines constructed by the village.

GARBAGE. Solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

GOVERNMENTAL USER. A facility connected to a sanitary sewer system and which is occupied by governmental offices or any other facility that provides governmental services at public expense.

INCOMPATIBLE POLLUTANT. Any pollutant which is not a compatible pollutant.

INDIRECT CONNECTION. The connection of any premises to any sewer lines not originally comprising the sewer system constructed by the village but later connected, such as premises served by a subdivision or mobile home park sanitary sewer which in

turn connects to the public sewer.

INDUSTRIAL USER. Any nongovernmental manufacturing or processing facility discharging wastewater to a public sanitary sewer system, or any trade or process which discharges wastewater to a public sanitary sewer system, and which may contain toxic or poisonous substances or may contain any substance which may inhibit or disrupt any sanitary sewer system, wastewater treatment system or disposal system for solid wastes which are generated in a publicly owned treatment works.

INDUSTRIAL WASTES. The wastewater discharges from industrial, trade, or business process as distinct from their employees' domestic waste or waste from sanitary conveniences.

INSTITUTIONAL USER. A hospital, detention facility, medical facility, or other similar facility that has or provides care for persons, but which is not a residential user.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned sewage works that:

- (1) Has a flow of 50,000 gallons or more per average work day;
- (2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Water Pollution Control Act, being 33 U.S.C. § 1317a; or
- (4) As found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned sewage works receiving the waste, to have a significant impact either singly or in combination with other contributing industries on the treatment works or upon the quality of effluent emanating from the treatment works.

mg/l. Milligrams per liter.

MULTIPLE RESIDENTIAL DWELLING. A residence in which more than one family resides.

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

NORMAL DOMESTIC STRENGTH WASTEWATER. A sewage or other wastewater effluent which shall be a compatible pollutant as defined in this section and with B.O.D. of 300 milligrams per liter or less, suspended solids of 350 milligrams per liter or less, and total phosphorus of 12 milligrams per liter or less.

NPDES PERMIT. A permit issued pursuant to the National Pollution Discharge Elimination System prescribed in Pub. L. No. 92-500, being 33 U.S.C. §§ 1215 *et seq.*, through the State Department of Natural Resources.

O&M CHARGE. The charge assessed to users of the system for the cost of operation and maintenance (including the cost of replacement) of the system.

OPERATION AND MAINTENANCE (O&M). All work, materials, equipment, utilities, and other effort required to operate and maintain the system, including the cost of replacement, wastewater collection, transportation, and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other county, state, and federal regulations, if any.

PERSON. Any individual, firm, company, partnership, association, society, group, or corporation, or a governmental entity.

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

PLUMBING INSPECTOR. The appointed inspector of the village, or if none, then state inspector.

PRESENT SYSTEM. The part of the system which has already been constructed or will be constructed or acquired and the cost financed by the methods and means provided in this chapter.

PRIVATE SEWAGE DISPOSAL SYSTEMS. Any septic tank, lagoon, cesspool, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.

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

PROPERTY OWNER. The person or persons having legal title to the premises according to the village's tax records and shall include in the case of land contract sale the land contract vendee or vendees, provided that the village has been furnished with a copy of the land contract or its assignment.

PUBLIC SEWER or **PUBLIC SANITARY SEWER.** A sanitary sewer constructed, used, or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and owned, operated, and controlled by the village.

REPLACEMENT. The obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the system to maintain the capacity and performance to which the system was designed and constructed and to preserve its financial integrity.

RESIDENTIAL EQUIVALENT or **EQUIVALENT UNIT.** The factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single-family residential user. The designation **RE** shall mean **RESIDENTIAL EQUIVALENT**.

RESIDENTIAL USER. The user of the system whose premises or building is used primarily as a residence for one or more persons including dwelling units such as detached, semi-detached, row houses, mobile homes, apartments, or permanent multi-family dwellings. For purposes of this chapter, transient lodgings shall be considered to be a "commercial" use.

SANITARY SEWAGE. The liquid- or water-carried waste discharge from sanitary conveniences of dwellings, including apartment houses, motels and hotels, office buildings, factories, or institutions.

SANITARY SEWER. The sewer which carries sanitary sewage and industrial waste or either of them and into which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. Any combination of sanitary sewage, storm water, industrial waste, and uncontaminated industrial waste, or any of them.

SEWAGE TREATMENT PLANT. Any arrangement of devices or structures used for the treating of sewage.

SEWER. A pipe or conduit and appurtenances for transmitting or carrying sanitary sewage including any devices necessary for pumping, lifting, or collecting the sewage.

SINGLE-FAMILY DWELLING. A residence in which only one family resides.

SPECIAL ASSESSMENT DISTRICT. A special assessment district within the village wastewater collection system which may be established by the Village Council for the purpose of defraying, in whole or in part, the cost of the present sewer system or any extension.

STORM SEWER. A sewer intentionally designed for receiving and conveying storm, surface, and ground water and into which sanitary sewage shall not be admitted.

STRUCTURE IN WHICH SANITARY SEWAGE ORIGINATES. A building in which a toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

SUPERINTENDENT. The Village Street Commissioner.

SURCHARGE. The additional charge which a user discharging wastewater having strength in excess of the limits set by the village for transmission and treatment within the sanitary sewage system will be required to pay to meet the cost of treating the excessively strong wastewater.

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

SYSTEM. The complete village wastewater system.

TABLE OF UNIT FACTORS. The table which is included in Appendix A of this chapter and is adopted by the village and utilized to identify the various classifications of sewer users and stating as "residential equivalents" (or RE) the ratio of the use of the system to that of a single-family residence.

USER CHARGE. The charge levied on users of the system for the cost of its operation, maintenance, and replacement.

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

VILLAGE. The Village of Webberville, Ingham County, Michigan.

WASTEWATER. Water which contains, or previous to treatment has contained, pollutants such as sewage or industrial wastes.

WATER COURSE. An open channel, either natural or artificial in which a flow of water occurs, either continuously or intermittently.

(Ord. 114, passed 11-7-1988)

§ 51.03 OPERATION, MAINTENANCE, AND CONTROL.

The operation and maintenance of the system shall be under the supervision and control of the village subject to this chapter. Pursuant to the terms of this chapter, the village retains the exclusive right to establish, maintain, and collect rates and charges for sewage collection, treatment, transmission, and debt service. In this capacity, the Village Council may employ any persons in any capacity it deems advisable, and may make any rules or regulations as it deems advisable and necessary, to assure the efficient establishment, operation, and maintenance of the system, and to discharge its financial obligations, and for the collection of rates and charges as provided in this chapter.

(Ord. 114, passed 11-7-1988)

§ 51.04 USE OF PUBLIC SEWERS REQUIRED.

(A) *Mandatory connection requirement.* The owner of property on which is located a structure in which sanitary sewage originates, lying within the village limits, shall, at his or her expense, install suitable toilet facilities in the structure, and shall cause the facilities to be connected to the available public sanitary sewer system.

(B) *Connection procedures.*

(1) Connection to the system shall be completed promptly, but in no case later than 90 days from the date of the occurrence of the

last of the following events:

(a) Publication of a notice by the Village Clerk of the availability of the public sanitary sewer system in a newspaper of general circulation in the village, and the mailing of written notice indicating the availability of the public sanitary sewer to the owner or any one of the owners in case of co-ownership of the property in question; and/or

(b) Modification of a structure so as to become a structure where sanitary sewage originates.

(2) If the owner of property on which is located a structure in which sanitary sewage originates does not complete connection to an available sanitary sewer within the 90-day period described in division (B)(1) above, the Village Clerk shall notify the person by written notice that connection to the system is required forthwith. The giving of the notice shall be made by first-class or certified mail to the owner of the property on which the structure is located or by posting the notice on the property. This notice shall provide the owner with the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this chapter and §§ 12752 through 12758 of the Public Health Code, Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*

(3) In the event the property owner is unable to connect to the system within the time prescribed by this chapter due to or on account of inclement or adverse weather conditions, the property owner may appeal to the Village Council to allow additional time in which to connect without penalty and without civil and criminal proceedings being initiated to compel connection. This appeal shall be made in writing within ten days from the publication of the notice of "sanitary sewer availability," as previously set forth in division (B) (1) above.

(Ord. 114, passed 11-7-1988) Penalty, see § 51.99

§ 51.05 PRIVATE SEWAGE DISPOSAL.

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

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

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

(D) Where a public sanitary sewer is not available under the provisions of § 51.04, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the County Health Department.

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

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

(G) All abandoned private sanitary sewage disposal systems shall be completely filled with earth, sand, gravel, concrete, or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents shall be completely removed and disposed of by a septic tank cleaner who is duly licensed as may be set out in state law. The tank, or the pit in the instance of a privy, shall be treated with at least ten pounds of chlorinated lime or other chemical disinfectant acceptable to the County Health Department, and be completely backfilled with approved material and made safe from the hazard of collapse or entrapment.

(Ord. 114, passed 11-7-1988) Penalty, see § 51.99

§ 51.06 BUILDING SEWERS AND CONNECTION.

(A) *Building sewer regulations.*

(1) A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates, or connected to an existing sewer as may be allowed by the County Health Department.

(2) All costs and expenses incidental to the installation of the building sewer and the connection of to the public sewer shall be borne by the property owner.

(3) All building sewers (leads) shall meet or exceed all requirements of this chapter.

(4) All building sewers installed shall consist of pipes and fittings of the following types and sizes:

(a) Pipe must be of sufficient diameter to carry the estimated volume of discharge. Minimum pipe size permitted is four-inch ID on private property and six-inch ID within the public right-of-way;

(b) Pipe must be one of the following materials and cannot be mixed in the connection lines to include the fittings:

1. Cast iron with rubber-type gaskets;
2. Cast iron NH pipe with neoprene stainless couplings;

3. Ductile iron with rubber-type gaskets slip joint or mechanical joint;
4. Vitrified clay tile with ASTM C425 joints;
5. Reinforced concrete with ASTM C443 joints; or
6. PVC or ABS plastic, Schedule 40 or better.

(c) No tees, double tees, crosses, or double hub pipes shall be permitted; and

(d) All changes in grades shall be made with appropriate one-eighth bends.

(5) Cleanouts shall be installed every 90 feet of straight run and at each 90-degree direction change (two 45-degree connections). All cleanouts shall be plugged, and shall be accessible at any time.

(6) All lines shall be laid at a minimum slope of one-eighth inch per foot grade and a maximum slope of one-half inch per foot grade for four-inch lines and a minimum one-eighth inch per foot grade and a maximum one-half inch per foot grade for six-inch lines.

(7) The method to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Plumbing Code Rules (Part 7) issued by the State Department of Labor, Construction Code Commission.

(8) No building sewer shall be laid within three feet of any bearing wall and the depth shall be sufficient to afford protection from frost.

(9) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by a pumping system and discharged to the building sewer.

(10) All excavations for building sewer installation and connection shall be pursuant to appropriate permits and shall be adequately guarded by barricades and lighting so as to protect the public from hazard. Streets, sidewalks, alleys, parkways, and other public property disturbed in the course of the installation and connection work shall be restored in a manner satisfactory to the village.

(11) All building sewers servicing a building containing more than two residential units shall, in addition to the other requirements, be air tested and approved by the village.

(B) Connection regulations.

(1) No person shall uncover, make any connections to or openings into, alter, or disturb any public sewer, building sewer, or appurtenance thereto without first obtaining a written connection permit from the village.

(2) The fee, if any, for the connection permit shall be an amount established by ordinance or resolution of the Village Council.

(3) The owner or contractor applying for a connection permit will receive three copies of the permit, one copy each for the contractor, the property owner, with the third copy to be returned to the village with a sketch of the installation on the back showing all dimensions, directions, and other important information concerning the installation. The latter copy will remain the property of the village.

(4) No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of B.O.D. and suspended solids.

(5) All connections to the system will be made by a licensed contractor or plumber. A property owner may make his or her own installation and connection so long as he or she has secured a connection permit.

(6) All licensed contractors and plumbers making connections to the system shall first register with the village and file a bond with the village in the amount of \$10,000, and in addition shall provide the village with a copy of their plumbers' or contractors' license from the state and a copy of their liability insurance prior to performing any connections to the system. The bond shall indemnify the village against all losses or damages caused the village by reason of the contractors' or plumbers' breach of this chapter or any related rule or regulation. The Village Council may, upon notice of a violation by a licensee, revoke registration. The revocation shall become final unless the license revocation is reversed by the Village Council.

(7) No person shall connect roof downspouts, foundation drains, area way drains, swimming pool drains, or any sources of surface or ground water to a building sewer which in turn is connected to the sewage system.

(8) It being the intention of the village to adopt a policy of open trench inspection of building sewers, no building sewer shall be covered until after it has been inspected and approved by authorized personnel of the village or its designee.

(9) Any construction of sanitary sewer within the public right-of-way which is required after completion and acceptance of the public system shall be charged to the property owner requesting connection. The charge shall be the actual cost of the construction plus 10% for administrative expense. Payment shall be made as follows:

(a) Not less than 50% of the estimated cost shall be deposited with the village prior to commencement of construction; and

(b) The balance, if any, of the costs and administrative fee shall be paid upon completion of construction.

(Ord. 114, passed 11-7-1988) Penalty, see § 51.99

§ 51.07 USE OF THE PUBLIC SEWER.

(A) Storm, ground, and unpolluted water.

(1) No person shall discharge or cause to be discharged any storm water, surface water, ground water, or roof water to any sanitary sewer.

(2) Storm water, ground water, and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for that purpose.

(B) *Prohibited discharges.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150°F;

(2) Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil or grease;

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

(4) Any garbage that has not been properly shredded;

(5) Any ashes, cinders, sand, mud, straw, metal shavings, glass, rags, feathers, tar, plastics, woods, paunch manure, or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works;

(6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment facility;

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(8) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards, and any other state and federal regulations; and/or

(9) Any waters or wastes having a pH lower than five and one-half, higher than nine, or having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(C) *Grease, oil, and sand interceptors (traps).*

(1) Grease, oil, and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the village and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil, and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted into place shall be gastight and watertight.

(2) Where installed, all grease, oil, and sand interceptors (traps) shall be maintained by the owner, at his or her expense, and in continuously efficient operation.

(D) *Preliminary treatment.*

(1) The admission into the public sewers of any waters or wastes containing or requiring any of the following shall be subject to review and approval for acceptance by the village:

(a) Five-day B.O.D. greater than 300 mg/l of suspended solids;

(b) A chlorine demand of more than 15 mg/l;

(c) Having any average daily flow greater than 2% of the average daily flow to the village wastewater treatment facility; and

(d) Total phosphorous concentration greater than 12 mg/l.

(2) Preliminary treatment shall be provided, at no expense to the village as may be necessary to reduce the B.O.D. to 300 mg/l and suspended solids to 350 mg/l or to reduce objectionable characteristics of this effluent to within the maximum limits provided for in division (B) above or to control the quantity and rates of discharges of the waters or wastes. On direction of the village, a person may be required to remove, exclude, or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the village's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the village. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the village and no construction of the facility shall be commenced until approvals are obtained in writing. The village may elect to treat industrial wastes, discharged in excess of normal domestic concentrations on a basis prescribed by written agreement and for an established charge to cover the added cost. All the preliminary treatment or pretreatment shall be in accordance with federal and state laws and regulations.

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

(Ord. 114, passed 11-7-1988) Penalty, see § 51.99

§ 51.08 SYSTEM CHARGES AND RATES.

(A) *Generally.* From and after 11-1-1988, charges for sewage transmission, treatment, disposal, and debt service to each user connected to the system shall be as follows.

(1) *Charges; fees.*

(a) For each single-family residential premises or single-family residential equivalent served by the sanitary sewage system, there shall be, subject to revision by resolutions of the Village Council, a sewer service charge of: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

(b) The fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis. For any monthly bill not paid by the twentieth day of the month in which it is due shall also be charged.

(2) *Adoption.* For all other users of the system, and except as otherwise provided, the village adopts a Table of Unit Factors for the village wastewater collection and treatment system which table is in Appendix A of this chapter. This table shall set forth and identify the user class and all applicable factors to be multiplied by the monthly charge established for single-family residential premise which is designated as a residential equivalent (RE). This table may be modified or amended from time to time by resolution of the Village Council.

(3) *Interpretation.* Rules for interpreting the Table of Unit Factors are:

(a) The minimum equivalent factor for all users shall be one RE;

(b) Equivalent units for users not originally contained in this table may be added from time to time by resolution of the Village Council; and

(c) Where multiple businesses exist at one location, the various businesses located therein shall be considered separately in determining the equivalent units (number of RE's) at the location, unless the owner has had installed a water meter which measures usage for each individual unit located there, in which case, the equivalent use shall be determined as provided in division (A)(3)(b) above.

(4) *Revision and modification of equivalent units.*

(a) *Review.* The equivalent units of users having an equivalent unit factor of more than one RE shall be reviewed by the village at least once each year. Unless the equivalent unit factor of the user is changed by resolution of the Village Council on or before the fifteenth day of the last month preceding the commencement of the system's fiscal year, the equivalent unit factor of the user shall remain the same as it was for the preceding fiscal year. Failure to specifically review as provided shall not cause the factor to be omitted and shall not be considered grounds for its discontinuance.

(b) *Review of metered users.* The equivalent unit factor for the purpose of determining the service charge of any user having an RE factor for any individual unit or more than one and where the user has been required pursuant to ordinance or by agreement to install a meter to register water flow and has installed a meter or meters which separately measure(s) the flow from each unit within the structure, shall be reviewed and adjusted yearly to assure the equivalent unit factor assigned to the user is compatible with use. The formula for determining the equivalent unit factor for the users in the units for purposes of determining the service charge for the next fiscal year shall be as follows: average quarterly use during previous years divided by 20,200 gallons = equivalent unit factors (number of RE's).

(5) *Appeal.* A property owner having an equivalent unit factor of more than one may, upon written request, appeal to the Village Council.

(6) *Effective dates for application of equivalent units.* Where equivalent units are used to determine the connection, service and other charges of a property owner, the equivalent unit which shall be used in the calculation of the charges shall be the equivalent unit factor assigned to the factor as of the following dates:

(a) For calculating a direct connection charge, the date the property owner applies for the permit or the last day of the period during which he or she is required by this chapter to connect to the system, whichever comes first; and

(b) For calculating the operation, maintenance, and replacement service charge, the date the property owner's available sanitary sewer becomes operational and thereafter on the first day of the last month preceding the commencement of the system fiscal year.

(B) *Village use.* For the reasonable cost of sewage disposal services rendered by the system to the village and its various departments, the village shall pay according to the amounts set forth in the Table of Unit Factors in Appendix A of this chapter.

(C) *Operation and maintenance surcharge.* If the character of the sewage of any user shall impose an unreasonable additional burden upon the sewage disposal and/or transmission system of the village, then and in that event an additional charge shall be made over and above established rates. Effluent in excess of the maximum limitations imposed by this chapter shall be deemed prima facie subject to surcharge. If necessary to protect the system or any part, the village shall deny the right of any user to empty the sewage into the system. Surcharges required by this section shall be computed as the pro-rated share of the annual cost of operation and maintenance, including replacement, attributable to treating the substance multiplied by the ratio of weight of surchargeable excess of the discharged substance to the total weight of the substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each periodic billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. Surcharge rates shall be established by resolution of the Village Council and the amount and necessity of surcharge may be appealed by the user to the Village Council.

(D) *Inspection fees.* The cost of connecting private premises to the village sewer shall not be paid from the proceeds of any bond issue or from the revenues of the system but shall be paid by the property owners. In addition, each premise connecting to the facilities of the system shall pay a charge for the inspection of the connection. The charge shall be payable in cash upon application for permit to

connect the system and shall be in the amount established by resolution of the Village Council. Each unit in a multiple commercial premise, each living unit in a duplex, apartment, or housing project and each mobile home space in a mobile home park shall be treated as a separate user and a separate inspection charge shall be made for each such user.

(E) *Connection and capital charges.*

(1) A capital charge in an amount to be determined by resolution of the Village Council shall be charged for each residential equivalent connecting to the system on or after the effective date of this chapter.

(2) In addition to the capital charge, a connection charge for the purpose of defraying the costs of construction shall be charged to each single-family residence or residential equivalent unit in an amount to be determined by resolution of the Village Council for the following classifications:

(a) For premises served by sewers installed and "available" for connection prior to 9-1-1988;

(b) For premises served by sewers installed and "available" for connection after 9-1-1988, unless the costs for the construction are defrayed by special assessment, in which case, the amount so established shall be paid; and

(c) For premises in a multi-unit development served by sewers constructed at the expense of the developer.

(F) *Voluntary connections.* Voluntary connections for owners of premises not subject to mandatory hookup may be allowed subject to capacity of the system to transport and treat the wastewater in accordance with the following.

(1) The owner shall pay the actual cost of all pipe, risers, stubs, wyes, or other apparatus and the costs of all labor necessary to accomplish the connection and in addition thereto, and shall pay all other fees and costs, including all capital connection charges established in this chapter.

(2) The connection to, and use of, the system by the premise shall be by gravity flow except by prior approval of the village.

(3) The surface of any disturbed right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.

(4) The owner shall obtain prior approval from the village of all plans, specifications, and materials to be utilized to accomplish the connection.

(5) All wyes, stubs, pipe, risers, or other apparatus not owned by the village shall, after installation and inspection, become for purposes of operation and maintenance, the responsibility of the owner. The responsibility of the village for operation and maintenance shall be limited to sewer mains, manholes, lift stations, and the wastewater treatment plant located within the village.

(6) Upon voluntary connection as set forth, the owner and premises shall be subject to all ordinances, resolutions, rules, and charges relating to use of the system then in effect and later adopted.

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

(H) *Revision of rates and charges.* The rates established by this chapter shall be reviewed at least annually and are estimated to be sufficient to provide revenues for the payment of the operation and maintenance costs, debt service charges, and any other charges and expenditures for the system. The rates shall be revised from time to time as required to maintain the fiscal integrity of the system and the same may be revised and fixed by resolution of the Village Council as may be necessary to produce the amounts required to pay the charges and expenditures and provide the funds necessary to maintain the financial integrity of the system.

(I) *Deferring charges.* No free service shall be furnished to any user of the system, and there shall be no waiver or forgiveness of charges levied pursuant to this chapter. Any resident eligible for deferment of payment of the fees and charges pursuant to the laws of the state shall be afforded ample opportunity to request the deferment or partial payment. In addition, by resolution of the Village Council, capital and connection charges may be paid in installments upon the terms as the Council prescribes.

(J) *Enforcement of charges.*

(1) *Nonpayment of capital and connection charges.* Nonpayment of charges shall subject the property owner to liability for the charges and penalties as provided for a late or delayed connection.

(2) *Nonpayment of service charge.*

(a) *Discontinuance of service.* In the event a service charge established pursuant to division (A) above remains delinquent for a period in excess of three months, the village shall have the right to shut off and discontinue water or sewer service to the user. The service shall not be reestablished until all delinquent charges, penalties and a charge for the discontinuance of the service shall be paid. This turn-off charge shall be established by resolution of the Village Council.

(b) *Collection by litigation.* In addition to discontinuing service to the user, the village shall have the option of collecting all the delinquencies and penalties due by legal proceedings in a court of competent jurisdiction.

(c) *Collection by enforcement of lien.* Capital and connection charges, permit fee and service charges for areas within the village, including penalties which remain delinquent for a period in excess of 90 days, shall constitute a lien on the premises served. The lien shall be perfected by the village official in charge of the collection, by certifying annually not later than September 1 of each year to the Tax Assessing Officer the fact and the amount of the delinquency. The charge shall then be entered by the Tax Assessing Officer of the

village upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general taxes against the premises are collected.

(K) *From and after 7-1-1989.* From and after 7-1-1989, charges for sewer services to each premise served shall be established as follows:

(1) Operation, maintenance, and replacement:

(a) Nonmetered customer: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis; and

(b) Metered customer: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

(2) Debt service: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis; and

(3) Division (A) above is amended to modify any of its provisions to incorporate the above charges as may be necessary.

(Ord. 114, passed 11-7-1988; Ord. 117, passed 11-6-1989) Penalty, see § 51.99

§ 51.09 FISCAL YEAR; RECORDS AND FUNDS.

(A) *Fiscal year.* The fiscal year of the sanitary sewage collection system shall end on the last day of March.

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

(C) *Biennial review of operations and maintenance charges.* The village shall review not less often than every two years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The village shall revise the charges for users or user classes to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(3) Apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(Ord. 114, passed 11-7-1988)

§ 51.10 MISCELLANEOUS PROVISIONS.

(A) *Protection from damage.* No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with the system or any of its components.

(B) *Industrial use of system.* Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the village with the following information or material:

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

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

(3) Test sample and reports to the village and to the appropriate state agencies on characteristics of wastes on a schedule, at locations and according to methods approved by the village and the state;

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

(5) Report on raw materials entering the process or support systems, intermediate materials, final products, and waste byproducts as these factors may pertain to waste control;

(6) Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other waste; and

(7) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the village, subject to approval by the village and by appropriate state agencies.

(C) *Connection of privately constructed sanitary sewer systems to the system.* Before any sanitary sewer system constructed by private, as distinguished from public, funding, referred to as the "private sanitary sewer," shall be permitted to connect to the system, the owner of the system, referred to as the developer, shall do and provide the village with the following:

(1) The developer's plans and specifications for construction, an estimate of the cost of construction, and a performance bond and deposit with the village the sum of 1% of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which moneys shall be placed by the village in an escrow account in the name of the developer. Any similar charge payable by a developer for the same purpose pursuant to Chapter 152 shall be substituted for this provision;

(2) Obtain approval of the Village Council of the plans and specifications;

(3) Secure all necessary permits for construction;

(4) Upon commencement of construction of the private sanitary sewer, deposit with the village in the escrow account referred to in division (C)(1) above a sum of 4% of the cost of construction to cover the anticipated cost of inspection of construction and payment of connection charges. Any similar charge payable by a developer for the same purpose pursuant to Chapter 152 shall be substituted for this provision; and

(5) Upon completion of construction of the private sanitary sewer to the system, upon recommendation of the village's engineer and approval of the Village Council, the performance bond shall be released and any moneys remaining in the developer's escrow account shall be returned. Any additional expenses incurred by the village in assuring the village that the private sanitary sewer is properly operating shall be deducted from any such funds or charged directly to the developer, at the option of the village.

(D) *Administration.* The Street Commissioner or designee is charged with the responsibility of administering the system and enforcing this chapter.

(E) *Power and authority of inspectors.*

(1) 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 chapter.

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

(3) Duly authorized employees of the village shall inspect the on-site work occurring by reason of any system permit. The person shall have the right to issue a cease and desist order on the site upon finding a violation of the permit or of this chapter. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.

(Ord. 114, passed 11-7-1988) Penalty, see § 51.99

§ 51.11 EFFECTIVE DATE.

This chapter shall take effect immediately upon publication except the penal provisions which shall take effect 20 days thereafter.

(Ord. 114, passed 11-7-1988)

§ 51.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

APPENDIX A: TABLE OF UNIT FACTORS

<i>Type</i>	<i>Unit Factor; Minimum to be 1.00</i>
Apartments/Mobile Homes	1.00/each living unit
Auto Dealers and Garage	1.00 for each 12 employees or fraction of 12
Auto Dealers and Garage, w/car wash	1.00 + 2.25 per stall
Bank	1.00 for each 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Bar and Bowling Alley	1.00 plus 0.07 per seat
Commercial Barber and Beauty Shops	1.00 for 1 or 2 chairs; 0.25 for each additional chair
Home Beauty Shop	0.25 for up to 1 chair, thereafter, same as commercial rate
Car Wash (self-serve)	2.25 for each stall
Care and Convalescent Home	0.25 per bed
Church with Kitchen and Daycare/Nursery	2.00
Church	1.00
Cleaners	1.00 plus 0.25/press
Clinics (dentist or doctors' office)	1.00 plus 0.50 for each doctor

Department Store	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Drug Store	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Floral Shops and Greenhouse	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Funeral Home	1.00
Garage, Gas Station, and the like	1.00
Hardware	1.00 for 12 employees or fraction of 12; plus 0.25 for additional employees
Heating and Plumbing	1.00 for 12 employees or fraction of 12; plus 0.25 for additional employees
Industrial Shops w/domestic sewage	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Laundry	0.25 per washer
Library	1.00
Meat Market and Sales w/o Slaughter House	1.00 plus 1.00 for 12 employees
Lumber Company	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Nursery School	1.00 for 17 students and staff
Office Buildings	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees per each unit
Post Office	1.00 for 12 employees or fraction of 12; plus 0.25 for additional 3 employees
Public Buildings and Rental Halls	1.00
Restaurants, snack bars	1.00 w/o seats
Restaurants, self-serve and the like	0.07 per seat
Schools	1.00 for each 17 students, including faculty and staff
Supermarket	1.00 for each 12 employees
Supermarket w/Meat Market	1.00 plus 1.00
Telephone Company - public	2.00 for each 12 employees
Telephone Company - non-paying taxes	0.50 additional 3 employees
TV Shop Sales and Repair	1.00 for each 12 employees
Warehouse	1.00 for each 12 employees; plus 0.25 additional 3 employees

(Ord. 114, passed 11-7-1988; Ord. 117, passed 11-6-1989)