

Chapter 53

UTILITIES*

- Art. I. In General, §§ 53-1—53-30**
Art. II. Water Service, §§ 53-31—53-220
Div. 1. Generally, §§ 53-31—53-60
Div. 2. Administration, §§ 53-61—53-90
Div. 3. Billing and Charges, §§ 53-91—53-120
Div. 4. Installing Service Pipe, §§ 53-121—53-150
Div. 5. Meters, §§ 53-151—53-180
Div. 6. Water Service Regulations, §§ 53-181—53-200
Div. 7. Emergencies, §§ 53-201—53-220
Art. III. Sewer Service, §§ 53-221—53-250
Art. IV. Cross Connections, §§ 53-251—53-300
Art. V. Pretreatment for Existing and New Sources of Pollution, §§ 53-301—53-349
Art. VI. Telecommunications, §§ 53-350—53-372

ARTICLE I. IN GENERAL

Secs. 53-1—53-30. Reserved.

ARTICLE II. WATER SERVICE

DIVISION 1. GENERALLY

Sec. 53-31. Definitions.

The following definitions shall be considered as fixed and determined by the village council as to all matters referred to herein.

- (a) *Connection* shall mean a new water line or re-establishment of any line to be connected to the water system.
- (b) *Delinquent account* shall mean any account that is not paid in full thirty (30) days after expiration of each quarterly period.
- (c) *Quarterly period* shall mean the year shall be divided into four (4) quarters, each quarter shall be a quarterly period which are divided as follows: First quarter (January, February, March); second quarter (April, May, June); third quarter (July, August, September); fourth quarter (October, November, December).
- (d) *Village council* shall mean the duly elected governing body of the village.

(Ord. No. 78, § 1, 4-25-83)

***Cross reference—Services to mobile home park, § 33-34.**

Sec. 53-32. Payment for water charges.

Payment for all water charges and other accounts shall be made to the village clerk or his/her deputy.

(Ord. No. 78, § 46, 4-25-83)

Sec. 53-33. Complaints.

Except as otherwise provided in this article, persons claiming to be overcharged for water, may make complaint to the village waterworks superintendent who shall examine into the matter, and may make such decision and adjustments as may be found equitable under the circumstances subject to approval of the village clerk.

(Ord. No. 78, § 44, 4-25-83)

Sec. 53-34. Connection of private well system.

No private well system shall be connected at any point with the village water supply system.

(Ord. No. 78, § 7, 4-25-83)

Sec. 53-35. Extending water service beyond village limits.

The village shall not extend water service to users beyond the village limits of Elkton.

(Ord. No. 78, § 45, 4-25-83)

Sec. 53-36. Fluoride rejected.

Pursuant to Public Act 346 of 1968, the Village of Elkton hereby rejects the addition of fluoride to the Public Water Supply System of the Village of Elkton.

(Ord. No. 61, § 1, 6-1-71)

Sec. 53-37. Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter or resolution of the village council declaring that any emergency exists and prescribing limitations upon the use of water in the village, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed the sum of one hundred dollars (\$100.00), or confinement in the Huron County jail for a period not exceeding thirty (30) days, or both, such fine and imprisonment in the discretion of the court.

(Ord. No. 78, § 53, 4-25-83)

Secs. 53-38—53-60. Reserved.

DIVISION 2. ADMINISTRATION**Sec. 53-61. Village clerk; duties.**

The village clerk shall be responsible for the collection of water bills and other charges arising out of the operation of the water works system. All revenues therefrom shall be accounted for in a manner satisfactory to the council. Water revenues shall be deposited in the manner approved for other municipal deposits, but shall be kept in a separate and distinct Water Account fund. The clerk shall prepare and present a quarterly financial statement of the receipts and expenditures of the water department to the council.

(Ord. No. 78, § 3, 4-25-83)

Sec. 53-62. Waterworks superintendent; appointment, duties.

There is hereby created the "Office of Waterworks Superintendent," who shall be appointed by the mayor, with the approval of the council. The waterworks superintendent shall have charge of the maintenance and operation of the water supply, pumping equipment, distribution system, fire hydrants, meters, and all other appurtenances of the water supply system of the Village of Elkton.

(Ord. No. 78, § 2, 4-25-83)

Sec. 53-63. Installation of water mains.

Any person, firm or corporation who shall propose the installation of water mains, shall first submit plans and specifications of such work to the waterworks superintendent. The waterworks superintendent shall make a report thereof to the village council which shall approve or disapprove of such installation, and shall determine under what conditions such installation shall be made.

(Ord. No. 78, § 6, 4-25-83)

Sec. 53-64. Permit application.

Before any connection is made to any water main, application for a permit must be made in writing by the owner, or his authorized agent, of the premises to be served, at the office of the village clerk. Such application shall be made on forms provided by the village and shall contain such information and/or agreement that the village waterworks superintendent may require.

(Ord. No. 78, § 17, 4-25-83)

Sec. 53-65. Permit fee.

No connection shall be made until the applicant has paid the village a permit fee for tapping the main, the installation of the service pipe from the main to the service cock, the service cock and stop box and the furnishing of a meter (which shall remain the property of the village). The fee for such connection, new or re-establishment shall be as follows:

| <i>Service Line</i> | <i>Water Tap Fee</i> |
|---------------------|----------------------|
| 3/4" | \$185.00 |
| 1" | 200.00 |
| 1 1/4" | 225.00 |
| 1 1/2" | 275.00 |
| 2" | 300.00 |

(Ord. No. 78, § 18, 4-25-83)

Sec. 53-66. Control of water mains.

The water mains of the village shall be under the exclusive control of the waterworks superintendent, and no person, firm, or corporation other than authorized agents or employees of the village shall tap, change, obstruct, interfere with, or in any way disturb the system of water mains.

(Ord. No. 78, § 4, 4-25-83)

Sec. 53-67. Extensions or alterations of water mains.

All extensions and alterations to the system of water mains shall be made under the supervision of the waterworks superintendent who shall act only upon authorization of the village. Petitions for the extension of old, or construction of new mains shall be addressed to the council, who in due time, in their discretion, shall consider the same and advise petitioners of their decision with respect thereto. If the petition is granted, the council shall determine and stipulate the proportions of the cost to be borne by petitioners and by the village.

(Ord. No. 78, § 5, 4-25-83)

Sec. 53-68. Inspections.

The authorized employees of the village shall have free access at all reasonable hours to inspect any premises supplied with water. In the event any authorized employee shall be refused admittance, or his admittance is hindered, for the purpose of making the necessary inspection or examination, the village may turn the water off from such premises after giving twenty-four (24) hours notice to the owner or occupant, either personally or by attaching the same to a door at one of the principal entrances to the building upon such premises.

(Ord. No. 78, § 34, 4-25-83)

Secs. 53-69–53-90. Reserved.

DIVISION 3. BILLING AND CHARGES

Sec. 53-91. Billing.

For the purpose of making and collecting charges for water used by consumers, the calendar year shall be subdivided into quarterly periods and statements shall be rendered quarterly, and shall be due and payable on or before thirty (30) days after the expiration of each

quarterly period; however, that for the purpose of establishing the commencement of any quarterly period, the first billing may be made for a period less than, or greater than, a quarterly period. The due date of such charges shall be stated upon the billing therefor and the same shall be paid on or before the due date stated therein.

(Ord. No. 78, § 37, 4-25-83)

Sec. 53-92. New account deposits.

Water hook-up to new residences and/or new water accounts involving residents who have had no previous water account with the village for a period of three (3) years prior to the hook-up shall not be hooked up until the resident shall have paid a fully refundable deposit in the amount of seventy-five dollars (\$75.00) which shall be refunded in full at the expiration of one full year of water service if timely payment of the water bills in the interim have been made. Remote water meters will carry a twenty dollar (\$20.00) installation fee.

(Ord. No. 78, § 19, 4-25-83)

Sec. 53-93. Delinquent charges.

(a) *Penalty for delinquent charges.* A penalty of three (3) per cent per month for the first three (3) months shall be added to and become a part of any charge which is not paid thirty (30) days after date of billing.

(b) *Lien; shutting off water.* Such charges shall constitute a lien upon the respective properties served; and if any charge is not paid, it may be recovered by the village in an action of assumpsit against the owner of the property served as well as any tenant supplied with such water, or such charges may be certified to the village assessor by the village council and assessed against the property on the next village tax roll, in which event such charge shall be collected and returned in the same manner as other village taxes are collected and returned; provided that any charge shall not be so certified which has not been delinquent for a period of at least three (3) months. In addition to any other remedy provided in this article or by law, if such charge for water consumed shall not be paid within sixty (60) days after the bill becomes delinquent, the village may shut off and sever such water connection. In such event, such connection shall not thereafter be reconnected until all such water charges and penalties shall be fully paid, together with a shut off and turn-on charge of ten dollars (\$10.00) shall be paid.

(Ord. No. 78, §§ 38, 39, 4-25-83)

Sec. 53-94. Lien as security for collection of water charges.

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

(Ord. No. 39, § 1, 8-4-53)

Sec. 53-95. Enforcement of liens.

The lien created herein shall be enforced by the Village of Elkton in the manner prescribed by the general laws of the State of Michigan providing for the enforcement of tax liens. (Ord. No. 39, § 2, 8-4-53)

Sec. 53-96. Notice of pendency of lien.

The official records of the Village of Elkton water department that has charge of the water distribution system of said village shall constitute notice of the pendency of said lien. (Ord. No. 39, § 3, 8-4-53)

Sec. 53-97. Liability for bills; leased property.

The provisions of this article shall not apply in any instance where a lease has been legally executed, containing a provision that the leaser shall not be liable for payment of water bills as to any such bills accruing subsequent to the filing of this affidavit hereinafter provided for; provided further, that an affidavit with respect to the execution of such a lease containing the expiration thereof shall be filed with the clerk of the Village of Elkton, and twenty (20) days notice shall be given by the leaser of any cancellation, change in or termination of the lease. (Ord. No. 39, § 4, 8-4-53)

Sec. 53-98. Schedule of water rates.

The schedule of water rates will be maintained in the Village of Elkton Operating Rules. (Ord. No. 78, § 35, 4-25-83; Ord. of 4-9-91)

Sec. 53-99. Discontinuing service.

The Village of Elkton through its water department, may discontinue water service from the premises against which the above lien has accrued whenever any person shall fail to pay the rates, assessments, and charges or rentals herein referred to, or may institute suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect such water rates, assessments, charges or rentals by any process, shall in any way invalidate or waive the lien upon the premises. (Ord. No. 39, § 5, 8-4-53)

Sec. 53-100. Amendments to water rates.

An amendment to the water rates may be made by resolution of the village council but shall not be raised or modified without first conducting a public hearing with proper notice thereof. (Ord. No. 78, § 36, 4-24-83)

Secs. 53-101–53-120. Reserved.

DIVISION 4. INSTALLING SERVICE PIPE**Sec. 53-121. Responsibilities of water department, owner.**

The corporation cock, the service pipe from the main to the curb cock, the service cock and stop box, meter box and fittings for installing outside meters will be provided in place and maintained by the water department after payment of the fee charged for a water permit as provided in this article. The service pipe from the curb cock to the building on private or public property shall be installed and properly maintained by the owner. The owner shall keep the stop box free from dirt, stones or other substances that will prevent access to the service cock. (Ord. No. 78, § 11, 4-25-83)

Sec. 53-122. Subdivisions; responsibility of proprietor for water service.

Before a subdivision may be accepted by the village, the proprietor of the plat shall agree to incur fifty (50) per cent of all cost of purchasing and installing water mains to service said subdivision, subject to the approval of the village council. (Ord. No. 78, § 50, 4-25-83)

Sec. 53-123. Water service pipe, service cocks, stop box; specifications.

From the main to the curb stop all service pipe shall be of type K copper with flanged joint not less than 3/4-inch in diameter, and approved by the village waterworks superintendent. Service cocks shall be at least 3/4-inch, extra heavy, round way, stop and waste type, placed twelve (12) inches outside the sidewalk line. The stop box shall be set so that the cover is even with the grade and must be set on a brick or concrete foundation to prevent settlement. (Ord. No. 78, § 9, 4-25-83)

Sec. 53-124. Iron service pipe.

Under no circumstances shall iron water service pipe be used. All new or replacement connections shall be type K copper, except with written permission of the waterworks superintendent if it is impossible to buy copper. (Ord. No. 78, § 13, 4-25-83)

Sec. 53-125. Laying service pipe.

All service pipe on either public or private property shall be laid on solid ground not less than four (4) feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least eighteen (18) inches distant from the sewer horizontally, and eighteen (18) inches above vertically, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom. In no case shall a service pipe be laid on a fill, and in such case, two (2) separate trenches shall be dug. (Ord. No. 78, § 8, 4-25-83)

Sec. 53-126. New service pipe installations.

When new service pipes are installed in any premises, the service cock shall be left closed, and will thereafter only be opened by an authorized employee of the village and only upon the request of the owner or his agent; provided, however, that a licensed plumber may open and close a service cock to test his work.

(Ord. No. 78, § 29, 4-25-83)

Sec. 53-127. Stop and waste cock inside building wall.

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

(Ord. No. 78, § 10, 4-25-83)

Sec. 53-128. Subdivision of single dwellings.

Where a building originally built as a single dwelling and fitted with one service pipe is thereafter subdivided by a sale or otherwise, each subdivision as created must be connected to the water system by a separate meter within thirty (30) days after such division.

(Ord. No. 78, § 31, 4-25-83)

Sec. 53-129. Plumbers.

Plumbers shall not interfere in any way with service pipes installed by the water department and shall not be permitted to turn water on or off at the service cock except for the purpose of testing their work, in which case the service cock shall be left in the same condition and position as they found it. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only.

(Ord. No. 78, § 12, 4-25-83)

Secs. 53-130–53-150. Reserved.**DIVISION 5. METERS****Sec. 53-151. Meters required.**

All premises using village water shall be metered and payment shall be made for water at rates set forth in this article. In no case will water be supplied at fixed or flat rates, except for temporary supplies as herein provided or in special cases approved by the council. A charge shall be made for all water used by consumers in accordance with the terms of this article.

(Ord. No. 78, § 22, 4-25-83)

Sec. 53-152. Location.

Meters shall be set in an accessible location and in a manner satisfactory to the waterworks superintendent. Where the premises contains no basement or cellar, the meter shall be

installed outside in a meter pit, deep enough to prevent freezing, if no suitable location is available. The location of which shall be approved by the waterworks superintendent. Where it is necessary to set a meter in a pit, such pit shall be built at the expense of the owner and directed by the village foreman and to his entire satisfaction, and any expenses incurred by the village for material, etc., to be added to the fee set in section 53-158 of this article.
(Ord. No. 78, § 24, 4-25-83)

Sec. 53-153. Accuracy.

The accuracy of the meter on any premises shall be tested by the village upon the written request of the owner or occupant who shall pay in advance a fee of five dollars (\$5.00) to cover the cost of such test. If, on such test, the meter shall be found to register over five (5) per cent more water than actually passes through it, another meter will be substituted therefor, and the fee of five dollars (\$5.00) shall be refunded to the owner. The village clerk may adjust the water bill in such manner as shall be fair and just.
(Ord. No. 78, § 28, 4-25-83)

Sec. 53-154. Sealing.

Meters will be sealed by the village and no one, other than an authorized employee of the village shall break or injure such seals, or alter, change the location of, or interfere in any manner with the meter.
(Ord. No. 78, § 25, 4-25-83)

Sec. 53-155. Meters larger than $\frac{3}{4}$ -inches.

All meters will be furnished by the village, and shall remain the property of the village, and will at all times be under the control of the village. In cases where a meter larger than $\frac{3}{4}$ inches may be required, the village waterworks superintendent shall determine the necessity of such larger size. The applicant shall pay for any additional cost over the cost of a $\frac{3}{4}$ -inch meter, together with any additional installation cost which may be involved, which meter shall be the exclusive property of the village.
(Ord. No. 78, § 23, 4-25-83)

Sec. 53-156. Responsibility for care and protection.

The owner of the premises where a meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person or persons. In case of injury to the meter or in case of stoppage or imperfect operation, the owner of the premises shall give immediate notice to the water department. All water furnished by the village and used on any premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meter gets out of order or fails to register, the owner will be charged at the average quarterly consumption rate as shown by the meter over the period of the preceding four quarters, when the meter was accurately registering.
(Ord. No. 78, § 27, 4-25-83)

Sec. 53-157. Expense of replacement; maintenance.

The expense of maintaining meters will be borne by the water department; provided, however, that if replacement, repair or adjustments of a meter are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the department caused thereby shall be charged and collected from the owner of the premises. In case the owner or occupant fails to pay those charges, they shall be added to the next water bill; and if not paid, water will be turned off and such charge becomes a lien on the property as provided in this article.

(Ord. No. 78, § 26, 4-25-83; Ord. of 4-9-91)

Sec. 53-158. Service charge.

A service charge for the use of the meter shall be charged and shall be billed quarterly at a rate of:

| | |
|------------------------------------|---------|
| Flat rate for up to 1" meter | \$ 5.00 |
| 1¼" meter..... | 10.00 |
| 2" meter..... | 16.00 |
| 4" meter..... | 70.00 |

(Ord. No. 78, § 20, 4-25-83)

Sec. 53-159. Multiple dwellings and multiple use units.

All premises using water shall be metered, and in the case of multiple dwelling or multiple use units, a separate meter shall be installed for each such dwelling or use unit within the structure.

- (a) A multiple dwelling unit is a structure which is so constructed or modified so as to provide separate sleeping, kitchen and bathroom facilities for more than one family within the same structure.
- (b) A multiple use unit is a structure which is so constructed or modified so as to provide separate facilities for dwellings, business operations, industrial operations, professional offices or any combination thereof.

The following rates shall be charged for each metered unit within a multiple dwelling or multiple use structure, and in those cases where the structure has more than one dwelling unit or use unit situated therein serviced by only one meter, then the metered charge shall be divided by the number of multiple dwelling or use units serviced by that meter: Ninety-four cents (\$0.94) per 1,000 gallons used plus meter rental rate if any.

(Ord. No. 78, § 21, 4-25-83)

Secs. 53-160–53-180. Reserved.

DIVISION 6. WATER SERVICE REGULATIONS

Sec. 53-181. Prohibited use of water.

No person shall take or use village water from premises other than his own or of which he has possession, and no person shall sell or give away water from his own premises or those under his control for any purpose without permission of the village waterworks superintendent. No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be vested in the same person.

(Ord. No. 78, § 32, 4-25-83)

Sec. 53-182. Prohibiting water waste.

The waterworks superintendent shall have the power to regulate the hours of sprinkling and prohibit waste or excess amounts of water use and to discontinue service where necessary to enforce this order.

(Ord. No. 78, § 43, 4-25-83)

Sec. 53-183. Temporary service.

In case a permit shall be issued for water service to a building under construction or other temporary purpose, and a water meter has been installed, the owner shall notify the village upon the completion of the work in order that the water meter may be read and the connection shut off, and the owner of the property will be charged for such temporary service.

(Ord. No. 78, § 30, 4-25-83)

Sec. 53-184. Temporary vacancy of premises.

In case of temporary vacancy of any premises, the water will be turned off at the stop cock by the village, and the meter removed by the Village upon written request of the owner or possessor of any premises, and will be turned on again and the meter set when requested. Where the premises are left unoccupied with the water not turned off by the village, there will be no allowance made for any water registered by the meter that may leak or waste through the plumbing or fixtures. In such cases, a charge will be made of ten dollars (\$10.00) for turn-on.

(Ord. No. 78, § 40, 4-25-83)

Sec. 53-185. Turning on water which has been shut off.

Where the water has been turned off by the water department for any reason, no person or persons except authorized employees or agents of the department may turn it on again. Whenever this section is violated, the water department may shut the water off at the corporation cock at the main and the owner shall pay in advance double the established rate for water used in violation of this provision in addition to the entire expense incurred by the water department for doing this work before the water may be turned on again.

(Ord. No. 78, § 33, 4-25-83)

Sec. 53-186. Backfilling of holes and trenches.

All holes or trenches dug in the public streets or alleys shall be backfilled in accordance with village regulations relative to removal of pavements, curbing, surfacing, excavations and the replacements thereof.

(Ord. No. 78, § 14, 4-25-83)

Sec. 53-187. Use of mechanical equipment for excavating or backfilling.

The use of mechanical equipment for excavating or backfilling in public rights-of-way must have the prior approval of the waterworks superintendent.

(Ord. No. 78, § 15, 4-25-83)

Sec. 53-188. Repair and maintenance of paved surfaces.

The repairing and maintenance of streets, alleys, sidewalks and other paved surfaces where holes or trenches have been dug shall, unless otherwise approved by the village waterworks superintendent, be done by the village, but at the expense of the owner who shall pay the reasonable cost thereof, in addition to the amount of the regular fee, which will be determined by the waterworks superintendent, with the approval of the council.

(Ord. No. 78, § 16, 4-25-83)

Secs. 53-189–53-200. Reserved.**DIVISION 7. EMERGENCIES****Sec. 53-201. Emergency provisions; resolution.**

If, at any time, the village council shall determine that an emergency exists in connection with the village water supply arising through the unusual and abnormal consumption of water by inhabitants of the village, by breakdown of equipment or overworking thereof, by lack of sufficient water supply to meet all of the needs of the inhabitants, or other cause creating an emergency, the village council, may by resolution, declare that an emergency exists, and may place limitation upon the purposes for which water may be used. Upon publication of such resolution or the substance thereof, in a newspaper circulated in the village, or by newsletter addressed to the residents of the village, such resolution shall become effective, and it shall be unlawful for any person, firm or corporation to violate the same.

(Ord. No. 78, § 41, 4-25-83)

Sec. 53-202. Shutting off water; notice.

Should it become necessary to shut off the water from any section of the village because of accidents, or for the purpose of making any repairs or extensions, the village will endeavor to give such notice as it shall consider advisable in the premises, but failure to give such notice shall not render the village responsible or liable for damages that may result therefrom, or for any other cause.

(Ord. No. 78, § 42, 4-25-83)

Secs. 53-203–53-220. Reserved.

ARTICLE III. SEWER SERVICE*

Sec. 53-221. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

B.O.D. (denoting biochemical oxygen demand) shall mean 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 parts per million by weight.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, wastes and other drainage pipes inside the walls of the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined sewer shall mean a sewer receiving both surface run-off and sewage.

Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Inspector shall mean any person or persons duly authorized by the council to inspect and approve the installation of buildings sewers and their connection to the public sewer system.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Person shall mean any individual, firm, company, association, society, corporation or group.

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

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.

*Cross reference—Services to mobile home park, § 33-34.

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

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

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

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive.

Storm sewer or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Suspended solids shall mean 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.

Superintendent shall mean the superintendent of the Municipal Sewage Works of the Village of Elkton, Michigan, or his authorized deputy, agent or representative.

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

(Ord. No. 60, § 1, 5-4-71)

Sec. 53-222. Conditions of service.

(a) *Expense of installation and maintenance.* The Village of Elkton shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from said lot or easement line to his premises. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(b) *Cancellation of applications; violations.* Applications may be canceled and/or sewer service discontinued by the village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

- (1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system;
- (2) Nonpayment of bills; and
- (3) Improper or imperfect service pipes and fixtures or failure to keep the same in suitable state of repair.

(c) *Change of address.* Bills and notices relating to the conduct of the business of the sewage system will be mailed to the customer at the address listed on the application, unless

a change of address has been filed in writing at the business office of the village; and the village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

(d) (1) *Period of service.* Bills for sewer services are due and payable at the business office of the clerk or to any agent designated by the village council on their date of issue. The past-due date shall be the twentieth day after the period of service. Bills will be dated and mailed quarterly.

(2) *Past-due bills; delinquent.* All bills not paid on or before the past-due date shall be termed delinquent and be subject to ten (10) per cent penalty, and the Village of Elkton shall serve a written final notice of said delinquency. If a delinquent bill is not paid within ten (10) days after due date, the water and sewer service to the user will be subject to discontinuance or other measures as state law will allow.

(e) *Reconnection charge.* Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bills, the village shall require that a deposit of ten dollars (\$10.00) be placed with the village clerk for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Village of Elkton have been paid. There shall be a reconnection charge of five dollars (\$5.00) payable to the village clerk prior to reconnection.

(f) *Interruption of service.* The village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

(g) *Damage to mains or service pipes.* The village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(h) *Right of entry for inspection.* The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the village.

(i) *Public use of service; exceptions.* Special terms and conditions may be made where sewer service is used by the village or community for public purposes such as public parks, etc.

(j) *Rules subject to change.* These rules may be changed or amended.
(Ord. No. 60, § 9, 5-4-71; Ord. No. 60-A, 8-8-72; Ord. of 4-9-91)

Sec. 53-223. Powers and authority of inspectors.

The superintendent, inspector 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 article.

(Ord. No. 60, § 7, 5-4-71)

Sec. 53-224. Use of public sewers required.

(a) *Unlawful waste disposal.* It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Elkton, Michigan, or in any area under the jurisdiction of said Village of Elkton, any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

(b) *Discharge to natural outlet.* It shall be unlawful to discharge to any natural outlet within said Village of Elkton, or in any area under the jurisdiction of said village any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

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

(d) *Sewer connections and installations; requirements.* The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated with the Village of Elkton and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village of Elkton, 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 article, within six (6) months (one hundred eighty (180) days) after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(Ord. No. 60, § 2, 5-4-71)

Sec. 53-225. Public sewage disposal.

(a) Where a public sanitary or combined sewer is not available under the provisions of section 53-224(d), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

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

(c) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in section 53-224(d), a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

(d) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.
(Ord. No. 60, § 3, 5-4-71)

Sec. 53-226. Building sewers and connections.

(a) *Obtaining permit; requirements.* No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the village council. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village of Elkton and deposited with the clerk a corporate surety in the sum of one thousand dollars (\$1,000.00) conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Village of Elkton pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Elkton and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising of the unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this article. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

(b) *Types of permits; inspection fees.* There shall be two (2) classes of building sewer permits: (1) for service to residential, commercial, school or church property, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village of Elkton. The permit application shall be supplemental by any plans, specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of twenty dollars (\$20.00) for residential or commercial or school or church building sewer permit and twenty dollars (\$20.00) for an industrial building sewer permit shall be paid to the village clerk at the time the application is filed. In addition, there shall be a charge for a new sewer connection from sewer line to property line of three hundred dollars (\$300.00), which shall be paid to the village clerk prior to connecting into the city sewer.

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

(d) *Separate sewers required; exceptions.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the village council.

(e) *Connecting to existing sewers.* Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this article.

(f) *Sewer pipe specifications.* The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength clay sewer pipe, asbestos cement meeting the current A.S.T.M. specifications, extra heavy cast iron soil pipe meeting the current A.S.T.M. specifications or the Department of Commerce Commercial Standards for extra heavy cast iron soil pipe and fittings or concrete sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength concrete sewer pipe or PVC pipe meeting A.S.T.M. Specification D2665, Schedule 40. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or asbestos cement or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by said inspector.

(g) *Joints and connections; specifications.* All joints and connections shall be made gastight and watertight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the current A.S.T.M. "Specifications for vitrified clay pipe joints having resilient properties" (Designation C425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

(i) *Grade specifications.* The size and slope of building sewers shall be subject to the approval of said inspector, but in no event shall the diameter be less than six (6) inches for commercial, industrial or multiple family residential property. Single family residential homes may use sewers four (4) inches in diameter. The slope of six (6) inch pipe shall not be less than $\frac{1}{8}$ -inch per foot. The slope of four (4) inch pipe shall not be less than $\frac{1}{4}$ -inch per foot.

(i) *Installation of building sewers.* No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The minimum depth of the pipe below ground level shall be three (3) feet, six (6) inches (forty-two (42) inches) to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and back-fill shall be performed in accordance with current A.S.T.M. specifications, except that no back-fill shall be placed until the work has been inspected by the inspector or his representative.

(j) *Drains.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

(k) *Designation of "Y" branch.* The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said inspector.

(l) *Notification of inspection.* The applicant for the building sewer shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said inspector or his representative. All existing residences, places of business, industrial plants, schools and churches shall be connected to the sanitary sewer within six (6) months after the sanitary sewer system is operational.

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

(Ord. No. 60, § 4, 5-4-71; Ord. No. 60-A, 8-8-72)

Sec. 53-227. Use of the public sewers.

(a) *Unlawful discharge into drainage easements.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) *Unlawful discharge of hazardous wastes.* No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

(c) *Interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the said inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(d) *Preliminary treatment facilities.* The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(e) *Control manholes.* When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his ex-

pense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. No. 60, § 5, 5-4-71)

Sec. 53-228. 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. 60, § 6, 5-4-71)

Sec. 53-229. Penalties.

(a) Any person found to be violating any provision of this article except section 53-228, shall be served by the council with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a), shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the village for any expense, loss or damage occasioned the village by reason of such violation.

(Ord. No. 60, § 8, 5-4-71)

Secs. 53-230–53-250. Reserved.

ARTICLE IV. CROSS CONNECTIONS

Sec. 53-251. Rules adopted.

The Village of Elkton adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.

(Ord. No. 67, § 1, 11-7-78)

Sec. 53-252. Inspections.

It shall be the duty of the Elkton 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 reinspections based on potential health hazards involved shall be as established by the Elkton water department and as approved by the Michigan Department of Public Health.

(Ord. No. 67, § 2, 11-7-78)

Sec. 53-253. Inspector's right to enter.

The representative of Elkton 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 Elkton for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(Ord. No. 67, § 3, 11-7-78)

Sec. 53-254. Labeling unsafe water.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article and by the state and county plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(Ord. No. 67, § 5, 11-7-78)

Sec. 53-255. Discontinuing service.

The Elkton water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. [Water service to such eliminated in compliance with the provisions of this article.]

(Ord. No. 67, § 4, 11-7-78)

Sec. 53-256. Ordinance supplemental to other codes.

This article does not supersede the state plumbing code and the Huron Plumbing Code or any ordinance but supplemental to them.

(Ord. No. 67, § 6, 11-7-78)

Sec. 53-257. Penalties for violation.

Any person or customer found guilty of violating any of the provisions of this article, or any written order of the Village of Elkton water department or their agent, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this article.

(Ord. No. 67, § 7, 11-7-78)

Secs. 53-258—53-300. Reserved.**ARTICLE V. PRETREATMENT FOR EXISTING AND NEW SOURCES OF POLLUTION****Sec. 53-301. General provisions.**

(a) *Purpose and authority.* The purpose of this article is the protection of the public health, safety and welfare by abating and preventing pollution through the regulation and control of the quantity and quality of industrial, commercial and other wastes admitted or discharged into the wastewater collection and treatment systems of the Village of Elkton and to enable the village to comply with all applicable state and federal laws and regulations, including among others the Federal Clean Water Act of 1977, 33 U-S-C-3 1251 et seq., and the Environmental Protection Agency General Pretreatment Regulations (40 CFR Part 403).

(b) *Objectives.* The objectives of this article are to prevent the introduction of pollutants into the wastewater system which will result in an operational upset, or cause sludge contamination and prevent recycling, or pass through the treatment system into the receiving waters or the atmosphere in violation of village, state and federal regulations, or result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, or in any way inhibit the treatment process at the treatment plant.

(c) *Policy.* By virtue of obligations and authority placed upon the village as an operator of a wastewater collection and treatment system which discharges into public waters, by the Clean Water Act, 33 USC § 1251 et seq. (Public Law 92-500), Act No. 451 of the Public Acts of 1994, of the State of Michigan, applicable national pollutant discharge elimination system permits issued to the village, existing or future contracts between the Village of Elkton and other governmental or private entities or by virtue of common law usage of the village's wastewater collection system, this article shall apply to every industrial, commercial and other nondomestic users whose wastewater is discharged into or flows through the village's sewerage system or is treated at a treatment plant of the village.

(Ord. of 4-11-06, §§ 1.01—1.03)