

VILLAGE OF OTTER LAKE
SANITARY SEWER ORDINANCE

ORDINANCE # 34

An ordinance regulating the use of the public and private sewers and drains; private sewage disposal; the installation and connection of building sewers; the discharge of sewage and wastes into the sewer system; to provide for the connection to and the fixing and collection of rates and charges for the use of the sanitary sewer system; and to provide civil penalties for ordinance violations.

THE VILLAGE OF OTTER LAKE ORDAINS:

Section 1. AUTHORITY This Ordinance is adopted pursuant to the authority conferred by Public Act No. 3 of 1895, being MCL 61.1 et seq. and Public Act No. 94 of 1933, being MCL 141.101 et seq.

Section 2. SCOPE No sewage or wastewater shall be discharged from or onto any premises within the Village of Otter Lake except in compliance with this Ordinance.

Section 3. DEFINITIONS The meaning of terms used in this Ordinance shall be as follows:

AVAILABLE PUBLIC SANITARY SEWER SYSTEM. A public Sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts a parcel upon which a Structure is located.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed by parts per million by weight.

BUILDING DRAIN. That part of a drainage system which receives discharge from the drainage pipes inside the walls of the building and conveys it to the Building Sewer.

BUILDING SEWER. The extension from a Building Drain to the Public Sewer or other place of disposal.

CESSPOOL. An underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

CHEMICAL OXYGEN DEMAND (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater.

COMPATIBLE POLLUTANT. The Pollutants which are treated and removed to a substantial degree by the Sewage Treatment Facility. These Pollutants include but are not limited to BOD, SS, pH, and fecal coli form.

DISTRICT. The Village of Otter Lake Sanitary Sewer Special Assessment District.

DOMESTIC SEWAGE. The liquid wastes from all habitable building and residences and shall include human excrete and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carried wastes of organic nature either singly or in combination thereof.

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

HEALTH DEPARTMENT. The County Health Department for the County having jurisdiction.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from Domestic Sewage.

INFILTRATION. That portion of ground water which is unintentionally admitted to a Sewer.

INITIAL CONSTRUCTION COSTS. The costs of acquiring the necessary real and personal property, planning, design, financing, and construction of the System, including costs of engineering, architecture, legal, accounting fee, capitalized debt, bond reserves and other expenses incident to the construction of the System.

INSPECTION FEE. The amount charged to each applicant by the village at the time application is made to the Village for connection to the System to cover the routine cost of inspection and approving the physical connection of a Building Sewer to the Service Connection and the issuance of a connection permit.

INSPECTOR. The agency or official responsible for inspecting connections of Building Sewers to the Public Sewer or his duly authorized representative, as designated by the Village.

MG/L. Milligrams per liter

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

NORMAL STRENGTH. Sewage or wastes, the concentration of which do not exceed BOD of 350MG/L, SS of 350 MG/L, and phosphorus of 20 MG/L, which have a pH between 6.5 and 9.5 and which do not contain a concentration of other constituents which will interfere with the normal Sewage treatment process.

NPDES PERMIT. A permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in U.S. Public Law 92-500.

NUISANCE. Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet; or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of Person; or when it shall obstruct the comfortable use or sale of adjacent property.

OPERATION AND MAINTENANCE. All costs, direct and indirect, inclusive of all expenditures attributable to administration, Replacement, and treatment and collection of Sewage or wastes, necessary to ensure adequate treatment and collection of Sewage or wastes on a continuing basis in conformance with the NPDES Permit, and other applicable regulations.

PH. The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter.

PPM. Parts per million.

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

POLLUTANT. Any of various chemicals, substances, and refuse materials such as solid waste, Sewer, Garbage, Sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

POLLUTION. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

PROPERLY SHREDDED GARBAGE. Garbage that has been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (½) inch in any dimension.

PUBLIC HEALTH CODE. Act 368 of the Public Acts of Michigan of 1978, as amended.

PUBLIC SEWER. The System, which is controlled by the Village.

RESIDENTIAL EQUIVALENT UNIT. A number representing the volume of Wastewater generated by a residential dwelling unity on a periodic basis as determined by the Village from time to time based upon recognized standards.

RESIDENTIAL EQUIVALENT UNIT FACTOR. A multiple of the Residential Equivalent Unit for each use classification as determined from time to time by the Village based upon recognized standards.

REPLACEMENT. Expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designated and constructed.

SANITARY SEWER. A Sewer which carries Sewage and to which storm, surface and ground waters are not intentionally admitted.

SEEPAGE PIT. A cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints to allow Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.

SEPTIC TANK. A watertight tank or receptacle used to receive Sewage or wastes from flush Toilets, sinks, lavatories, bathtubs, showers, laundry drains, and similar waste lines and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage or wastes and the partial decomposition by bacterial action on solids so separated.

SERVICE CONNECTIONS. The section of the System designated for connection of Building Sewer(s) from a specific property parcel, which is an extension of the Public Sewer laterally from the main collection Sewer onto the lot or parcel of property adjacent to the right-of-way of the Public Sewer mainline, including but not limited to force mains, connector pipes, pump stations, and appurtenances, but not include the Building Sewer(s). A "new" Service Connection is a service connection built after the original System construction and paid for by the owner of premises served by said connection.

SEWAGE. A combination of the water-carried wastes from residences, business building, institutions and industrial establishment, together with such ground waters as may be present.

SEWAGE TREATMENT FACILITY. The physical plant designated to receive and treat the raw, untreated Sewage or wastes of the properties located in the District and served by the System, including outfall piping, ground water monitoring wells, roadways, and all appurtenances.

SEWAGE WORKS. All public facilities for collecting, pumping, treating, and disposing of Sewage or wastes, including all service connections, mains, the Sewage Treatment Facility and appurtenances.

SEWER. A pipe or conduit for carrying Sewage.

SEWER AVAILABILITY FEE. This fee represents the cost to each parcel of making the System available to such parcel with sufficient capacity to service the parcel and includes the Initial Construction costs and Replacement costs. The Sewer Availability Fee shall be calculated pursuant to Section 8 of this Ordinance.

SEWER DISPOSAL FACILITIES. Any Toilet Device, Cesspool, Seepage Pit, Septic Tank, subsurface disposal system, or other devices used in the disposal of Sewage or wastes.

SEWER RATES AND CHARGES. The Sewer Availability Fee, Inspection Fee, User Charge, User Surcharge, Miscellaneous customer Fee, and the civil penalty imposed pursuant to this Ordinance.

SLUG. Any discharge of water, Sewage, or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time, longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

STORM SEWER or STORM DRAIN. A Sewer which carries storm and surface waters and drainage, but excludes Sewage and polluted Industrial Wastes.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting there from.

STRUCTURE. A privately owned building in which Toilet, kitchen, laundry, bathing, or other facilities which generate Sewage or wastes are used or are available for use for household, commercial, industrial, or other purposes.

SUBSURFACE DISPOSAL SYSTEM. An arrangement for distribution of Septic Tank effluent or overflow beneath the ground surface (also referred to as a "drain field system" or a "soil absorption system").

SUPERINTENDENT. The Superintendent of the System designated by the Village council and his or her authorized assistants, deputies, agents, and representatives.

SUSPENDED SOLIDS (SS). 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.

SYSTEM. The Sewage Works and Sewage Treatment Facility and all appurtenances thereto, known generally as the Otter Lake Sanitary Sewer System.

TOILET DEVICE. Any device which generates Domestic Sewage.

TOXIC POLLUTANT. Any Pollutant or combination of Pollutants which is or can potentially be harmful to public health or environment.

TREASURER. The Treasurer of the Village, or his or her duly authorized deputies, assistants, or agents.

U.S.E.P.A. The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling Pollution on a systematic basis.

USER. Any Person who contributes, causes or permit's the contribution of Wastewater into the Sewage Works. Users shall be classified as follows:

A. "Residential User" - A User whose premises (I) serves as domiciles for single or multiple family use and (ii) discharge only Domestic Sewage.

B. "Governmental Users" - A User whose premises (I) are publicly owned facilities performing government functions (e.g. government office building, post office, library, school) and (ii) discharge primarily only Domestic Sewage.

C. "COMMERCIAL USER" - A User whose premises (I) are privately owned and used to perform and/or sell services and/or products for profit (e.g. retail and wholesale stores, restaurants, motels, gasoline stations) and (ii) discharges primarily Domestic Sewage.

D. "NON-PROFIT USER" - A User whose premises (I) are owned or occupied by a non-profit organization pursuant to Section 501 of the Internal Revenue Code of 1986, as amended (e.g. churches, hospitals) and (ii) discharges primarily Domestic Sewage.

E. "INDUSTRIAL USER" - A User whose premises (I) are privately owned and are used for manufacturing a product from raw or purchased material and (ii) discharges wastewater used in any way in the manufacturing process in addition to Domestic Sewage.

USER CHARGE. A charge based on the Residential Equivalent Unit Factors levied on Users of the System for the User's proportionate share of the cost of Operation and Maintenance (including replacement) of the System.

USER SURCHARGE. A charge imposed on a User of the System who discharges Sewage or wastes in excess of Normal Strength.

VILLAGE. The Village of Otter Lake

WATERS OF THE STATE. All streams, lakes, ponds, marshes, Watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

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

Section 4. USE OF PUBLIC SEWERS REQUIRED.

A. No Person shall place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village any Sewage or other prohibited waste.

B. It shall be unlawful to discharge to any Natural Outlet any Sewage or other polluted waters.

C. It shall be unlawful to construct or maintain any privy, privy vault, Septic Tank, Cesspool or other facility intended or used for the disposal of Sewage, unless specifically permitted by the County Health Department or as hereinafter provided.

D. The owner of any Structure used for human occupancy, employment, or other purpose for which there is an "Available Public Sanitary Sewer System" is hereby required at his or her expense to connect such Structure directly to the proper Public Sewer in accordance with the provisions of this Ordinance.

E. As a matter of public health and equipment reliability, each connection to Service Connections built under the original System construction contract and required hereunder shall be completed no later than one (1) year after the date of construction completion and satisfactory testing of the Public Sewer and service connection designated for the specific parcel of property. All construction of, testing of, and connection to new Service Connections required hereunder shall be completed no later than one (1) year after NOTIFICATION to owner of premises for said new Service Connections. Persons who fail to complete a required connection to the Public Sewer within such one (1) year period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required in addition to the penalties and enforcement action provided pursuant to this Ordinance.

F. Lots for premises located in the District and subdivided into two (2) or more lots or parcels shall not be approved by the Village after the effective date of this Ordinance unless an extension to the Public Sewer is constructed to and serving all parcels in compliance with the construction capacity requirements of the Village as reviewed by the Village, all at the cost of the owner of the premises. This is intended to implement the provisions of the Subdivision control Act of 1967 (Act 288 of the Public Acts of Michigan of 1967, as amended).

Section 5. PRIVATE SEWAGE DISPOSAL.

A. Where a public Sanitary Sewer is not available, the Building Sewer shall be connected to an approved private Sewer disposal System. Any such facilities shall be constructed in compliance with requirements of the Health Department, the Public Health Code, and the Michigan Department of Environmental Quality-Water Division.

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.

C. At such time as there is an Available Public Sanitary Sewer System, a direct connection shall be made to the Public Sewer in compliance with this Ordinance, and any Septic Tanks, Cesspools and similar private Sewage disposal facilities shall be pumped, filled with sand, and abandoned for sanitary use. The private Sewage disposal facilities shall be cleared of sludge, and kind of cover removed, and be abandoned for sanitary use by filling with suitable materials, or as otherwise required by the County Health Department.

D. The owner shall install, operate and maintain any private Sewage disposal facilities in a sanitary manner at all times in accordance with the rules and regulations of the County Health Department.

Section 6. BUILDING SEWERS AND CONNECTIONS.

The approval of a permit application shall be subject to (a) compliance with all terms of this Ordinance, including all payment required by this Ordinance and all orders, rules, and regulations of the Health Department and the Michigan Department of Environmental Quality-Water Division, (b) the availability of capacity in the System, including Compatible Pollutant capacity and (c) compliance of the plans and specifications with the following standards for construction:

A. No Person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Village. Prior to making any connection, the property owner or his agent shall submit a permit application to the Village. This permit application shall be on a special form furnished by the Village and shall be accompanied by payment of the Sewer Availability Fee, any civil penalty which has accrued, the applicable Inspection Fee, provision of payment of all costs relating to construction of the service connection, if required, the plans and specifications of all plumbing construction within the premises, and any other information required by the Village.

B. All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains the necessary permission to work in the public right-of-way from the Village. Said owner shall indemnify the Village from all loss or damage that may directly or indirectly be caused by the installation and connection of the building Sewer to the Public Sewer.

C. A separate and independent Building Sewer shall be provided for every building, except where the building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building.

D. A Building Sewer shall be constructed of material approved by the village which will be water tight to prohibit Infiltration. The Village reserves the right to specify and require the encasement of any Sewer pipe with concrete or the installation of the Sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Village.

E. The size and slope of the Building Sewer shall be subject to the approval of the Village, but in no event shall the diameter be less than four (4) inches. The slope of a Building Sewer pipe shall be not less than one-quarter ($\frac{1}{4}$) inch per foot, sloping toward the service connection.

F. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction of greater than forty-five (45) degrees shall be provided with clean-outs accessible for cleaning.

G. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such drain shall be lifted by artificial means approved by the Village and discharged to the service connection. Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer using methods and materials approved by the village. Storm Water inflow and groundwater Infiltration to the Building Drain or Building Sewer are strictly prohibited.

H. All joints and connections shall be made gas-tight and watertight. All joints shall be approved by the Village.

I. No Building Sewer shall be located closer than ten (10) feet to any water well or well pit.

J. No Sewer connection will be permitted unless there is capacity available in all downstream Sewer lift stations, force mains and the wastewater treatment plant, including capacity for treatment of BOD and Suspended Solids.

K. All extensions and alterations of the System of Sewer mains shall be under the supervision of the Village. Each petition for the extension of Sewer mains shall be addressed to the Village for a determination.

L. Any owner of property proposing to install a Sewer main and dedicate the main to the Village shall, at its own expense, submit plans and specifications for such work to the Village for approval. After such plans and specifications have been approved by the Village as consistent with the general Sewage disposal System and engineering plans and specifications for the Sewer disposal System of the Village, the work shall be done under the supervision of the village. No Sewage shall be admitted into such mains until the Village accepts the installation. The provisions of this subsection shall also apply to any installation of Sewer mains outside of the Village where permission has been granted to the Village to connect such mains to the Village Sewage disposal System.

M. Connection of the Building Sewer to the Public Sewer shall conform to requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. Any deviation from the prescribed procedures and materials must be approved by the Village.

N. All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Village. No backfill shall be placed until the work has been inspected and approved by the Inspector. Cinders shall not be used as backfill.

O. The connection of the Building Sewer to the Public Sewer shall be made at the service connection. If no service connection is available, the owners of the parcel shall be responsible for payment of all costs related to construction and installation of the Building Drain, Building Sewer, and new service connection, connection of the Building Sewer to the service connection including, but not limited to, the purchase of pipe and associated Structures, engineering, if required, actual costs of construction, backfill, and restoration. The Village engineer shall determine the exact location and method of cutting into the Public Sewer to install the service connection and the materials to be used.

P. No Person shall make connection of roof down spouts, exterior footings or foundation drains, areaway drains, Storm Drains, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which, in turn, is connected directly or indirectly to the public sewer.

Q. All excavations for Building Sewer installations and connection to the Public Sewer 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 at the cost of the property owner in a manner satisfactory to the Village.

R. The applicant for a Building Sewer permit shall notify the Inspector when the Building Sewer is ready for inspection. If the Inspector determines that the Building Sewer has been constructed and installed pursuant to the Ordinance and the permit issued by the Village, the Building Sewer shall then be connected with the Public Sewer under the observation of the Inspector.

S. The cost of all repairs, operation, maintenance, and Replacements of existing Building Sewers and their connection to Public Sewers shall be borne by the property owner. Such owner shall make application to perform such work to the Village.

T. The cost of all repairs, Operation and Maintenance, and Replacement of the Sewage Works shall be borne by the Village as part of the Village's budgeted annual expense of the System, subject to the right of the Village to impose a miscellaneous customer fee, User Charge, User Surcharge, and Sewer Availability Fee.

Section 7. USE OF THE PUBLIC SEWERS

A. No Person shall discharge or cause to be discharged, any Storm Water, surface water, ground water or roof runoff, subsurface drains, cooling water or unpolluted industrial process water to any public Sanitary Sewer. No Storm sewer or Storm Drain shall be connected directly or indirectly to the Public Sewer.

B. Storm Water, ground water and all unpolluted drainage shall be discharged to the ground surface or to a Natural Outlet approved by the Village.

C. Except as hereinafter provided by specific limits stated in the Ordinances, no Person shall discharge or cause to be discharged, any of the following described waters or wastes to any Public Sewer.

1. Any waste having a temperature higher than 150 degrees or less than 32 degrees F
2. Any water or waste which may contain more than 50 parts per million 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. Insoluble, solid or viscous substances capable of causing obstruction to flow in Sewers or other interferences with the proper operation of the Sewage Works, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, woods, paunch manure; or any other solid or viscous substance.
6. Any waters or wastes having corrosive properties capable of causing damage or hazard to Structures, equipment or personnel. The pH of waste discharged into the Sewer System must be within 6.5 to 9.5 limits.
7. Any waters or wastes containing toxic, radioactive, or poisonous wastes exceeding limits established by applicable State and Federal regulations.

8. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
9. Any noxious malodorous gas or substance capable of creating a public Nuisance.
10. Grease, oil, wax fats, or any other substances that will solidify or become viscous in the Sewer at temperatures between 32 degrees F. and 150 degrees F.
11. Any waters having a chlorine demand in excess of 15 parts per million by weight.
12. Any waters containing phenols in excess of 0.02 parts per million by weight.
13. Any waste that may cause a deviation from the NPDES Permit requirements, pretreatment standards or any other State and Federal regulations.
14. BOD in excess of 350 mg/l.
15. COD in excess of 550 mg/l.
16. Substances which tend to settle out in the Sewer, causing stoppage or obstruction to flow.
17. Phosphorus in excess of 20 mg/l.
18. Any live animals or fish.
19. Suspended solids in excess of 350 mg/l.
20. Any substance harmful to the system.

D. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily accessible for cleaning and inspection. Grease and oil 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 in place shall be gas tight and watertight.

E. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

F. If any Sewage or wastes are discharged, or are proposed to be discharged to the Public Sewer, and such Sewage or wastes contain the substances or possess the characteristics enumerated herein, and which, in the judgment of the Village, may have a harmful effect upon the Sewage Works or Sewage Treatment Facility, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Village may take the actions necessary to:

1. Reject the Sewage or wastes from the Public Sewer;
2. Require pretreatment to the acceptable condition for the discharge of the Sewage or wastes to the Public Sewers;
3. Require control over the quantities and rates of discharge; or

4. Require payment to cover the added cost of handling and treating the Sewage or wastes pursuant to Section 8I. And 8J. Hereof.

If the Village permit's the pretreatment or equalization of Sewage or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, the Health Department, the Michigan Department of Environmental Quality-Water Division, and subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pretreatment facilities shall take place until all necessary approvals are obtained in writing.

G. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any User whereby wastes of unusual strength or character may be accepted by the Village for treatment, subject to payment of a User Surcharge by the User.

H. Whenever the village cannot reasonably observe, sample and measure the Industrial Waste of any business or industry, and they have reasonable cause to believe that said wastes are in violation of the standards imposed by subsection C. of this Section, they may require the owner of the premises from which said wastes are discharged to construct and install a suitable control manhole in the Building sewer to permit the observation, sampling and measurement of said wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the control manhole. Where no specific control manhole has been constructed, the control manhole shall be considered to be in the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

J. All measurements, tests, and analyses of Sewage or waste characteristics described in this Section shall be determined in accordance with the current "Standard Methods for the Examination of Water and sewage", as published by the American Public Health Association.

K. To determine the Sewage flow from any establishment, the Village may use one of the following methods:

1. The amount of water supplied to the premises by the Village as shown upon the water meter or, if the premises are not metered, as established by Village, or
2. If the premises are supplied with water from private wells or any other source, the amount of water supplied from such sources as estimated by the Village, or
3. If such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises is not entirely discharged into the Sewer System, the estimate of the amount of Sewage discharged into the Sewer System made by the Village, or
4. A figure determined by the Village by any combination of the foregoing or by any other equitable method, or
5. Records of comparable establishments, published schedules and studies, or other recognized sources, or
6. A Sewage meter

SECTION 8. SEWER RATES AND CHARGES

- A. The System shall, as far as possible, be operated and maintained by the Village on a public utility basis as authorized by State law.
- B. The owners of any Structure required by this Ordinance to connect to the System, except as noted below, shall pay an Inspection Fee. The Inspection Fee shall be determined and predetermined from time to time by the Village Council.
- C. The owner of any Structure required by this Ordinance to connect to the System shall pay a Sewer Availability Fee at such time as the owner is required to connect to the System.
- D. The Sewer Availability Fee shall be equal to the special assessment that was levied for a single family residence multiplied by the Residential Equivalent Unit factor for the proposed Structure, minus the full or partial special assessment that was actually levied on the parcel at the time of the confirmation of the special assessment roll for the System provided, that the special assessment that was actually levied shall not be deducted from the Sewer Availability Fee if the Structure is in addition to the Structure upon which the Residential Equivalent Unit Factor was based at the time the special assessment roll was approved.
- E. The owners of parcels for which the use classification changes to higher Residential Equivalent Unit Factor shall pay a Sewer Availability Fee equal to the special assessment that was levied for a single family residence multiplied by the Residential Equivalent Unit Factor for the new declassification, minus the special assessment that was actually levied for the System and minus any Sewer Availability Fee previously paid for the Structure.
- F. The Sewer Availability Fees may be used by the Village for Replacement for the System or may be used to repay indebtedness incurred for the Initial Construction Costs of the System.
- G. In the event that the amount of the special assessments and the Sewer Availability Fee prove larger than necessary and result in a refund, the owners of the property from which the Sewer Availability Fees derived shall share proportionately in the refund with the owners of the parcels from which the special assessments were levied.
- H. A User Charge for each premises within the Village connected to the Sewer shall be established by the Village from time to time by resolution.
 1. The User Charge imposed pursuant to this Section is applicable only to Users who discharge Normal Strength domestic Sewage. A User who discharges Toxic Pollutants or Sewage or waste into the System that do not qualify as Normal Strength Sewage shall also pay a User Surcharge determined pursuant to Section J. below for each day such Toxic Pollutants or non-qualifying Sewage or waste are discharged.
 2. User Charges shall begin to accrue as of the first day of the first month following connection of the Building Sewer to the Public Sewer
- I. Any User Surcharge shall be determined by the Village and shall be sufficient to provide for the proportional distribution of the increased expense of Operation and Maintenance of the System to each User contributing Toxic Pollutants or Sewage or waste that does not qualify as Normal Strength Domestic Sewage. Factors such as Sewage or waste

strength, volume, and delivery flow rate characteristics shall be considered and included as a basis for determining the User Surcharge.

- J. The Village shall, from time to time, establish and impose on one (1) or more Users a miscellaneous customer fee, as necessary, for miscellaneous service, repairs, and related administrative costs associated with the System and incurred without limitation, as a result of the intentional or negligent acts of such User or Users, including, for example, excessive inspection services not covered by the Inspection Fee, costs of repairing a service connection and costs incurred by the Village to shut off and turn on Sewer service.
- K. It shall be the duty of the designated Village Treasurer to bill and collect all Sewer rates and Charges. The Village Treasurer shall mail each User a bill on or before the 10th day of the first month in the quarterly billing period. The bill shall separately itemize the Sewer Rates and charges. Payment of the bill which is rendered by the designated Village Treasurer is due and payable on or before the 1st day of the second month in the quarterly billing period. Payment of said bill shall be made at a location designated by the Village Council. The quarterly billing periods shall correspond to the quarters of the Village's fiscal year.
- L. If Sewer Rates and Charges are not paid on or before the due date, then a time price differential of five percent (5%) per quarter or fraction of a quarter shall be charged on the outstanding balance until paid.
- M. If Sewer Rates and Charges are not paid on or before the due date, the Village, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended may (i) discontinue the services provided by the System by closing a shutoff valve in the service connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest, and all expenses incurred by the Village; or the (ii) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section Q. below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or hereafter existing at law or in equity. Under no circumstances shall action taken by the Village to collect unpaid Sewer Rates and charges, time price differential, penalties, and interest, invalidate or waive the lien created by Section Q. below.
- N. The Sewer Rates and Charges shall be a lien on the respective premise served by the System. Whenever Sewer Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify all delinquent Sewer Rates and Charges and time price differential thereon, annually, on or before September 1 of each year, to the tax-assessing officer of the Village, who shall enter the delinquent Sewer Rates and charges, time price differential, interest and penalties upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.
- O. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.
- P. A lien shall not attach for Sewer Rates and Charges to a parcel which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unity thereon shall be liable for payment of Sewer Rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the village. This affidavit shall include the names and addresses of the parties, the expiration date of the lease, and an agreement by the landlord to give the

Village twenty (20) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount of One Hundred (\$100) Dollars per unit. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including time price differential, interest, and penalties. The tenant shall immediately make sufficient payment to the Village to cover the amount of the security deposit as advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights, and remedies set forth in Sections M, N, and S. of this Section shall be applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Village without interest and shall be returned to the landlord upon proof of termination of the lease.

Q. Applications for connection permits may be cancelled and/or Sewer service disconnected by the village for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- A. Misrepresentation in the permit application as to the nature or extent of the property to be served by the System.
- B. Nonpayment of Sewer Rates and charges;
- C. Improper or imperfect and/or failure to keep Building Sewers in suitable state of repair;
- D. Discharges in violation of this Ordinance;
- E. Damage to any part of the System; or
- F. Excessive flow due to groundwater Infiltration.

R. Where the Sewer service supplies to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges and penalties, and the turn-on charge has been paid. The Village reserves the right as a condition to reconnect said Sewer service to request that a nominal sum of One Hundred (\$100.00) Dollars per unit be placed on deposit with the Village for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billings for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including time price differential, interest, and penalties. The User shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections M., N., and S. of this Section shall be applicable with respect to any unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the village without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of four (4) successive quarterly billing periods.

SECTION 9. AUTHORITY TO INSPECT.

The Superintendent, Inspector, and other duly authorized employees of the village acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and

testing in accordance with the provisions of this Ordinance.

SECTION 10. SUSPENSION OF WASTEWATER TREATMENT.

- A. The Village may suspend wastewater treatment service when such suspension is necessary, in the opinion of the Village, in order to stop and actual or threatened discharge which present or may present an imminent or substantial endangerment to the health or welfare of Person or the environment, causes interference to the Sewage Works or causes the Village to violate any condition of its NPDES Permit.
- B. Any Person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the Sewer connection, to prevent or minimize damage to the Sewage Works System or endangerment to any individuals. The village shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within fifteen (15) days of the date of occurrence.

SECTION 11. SEVERABILITY.

The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses or terms or the application thereof, to any Person, firm or corporation, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, work phrase, clause or term, and shall continue in full force and effect.

SECTION 12. AUTHORITY TO ISSUE MUNICIPAL CIVIL INFRACTIONS.

The Superintendent and any police officer having jurisdiction within the village shall have authority to issue a municipal civil infraction for violation of this Ordinance.

SECTION 13. PENALTIES.

- A. A "violation" includes any act which is prohibited by this Ordinance or any omission or failure to act where the act is required by this Ordinance.
- B. Violations of this Ordinance shall constitute a civil infraction, responsibility for which shall subject the violator to a maximum fine of Five Hundred (\$500.00) Dollars plus costs, which may include direct and indirect costs to which the Village has been put, for each violation. A minimum fine shall be as set forth under the Village of Otter lake Civil Infraction Ordinance #33. Each day in which any violation continues shall be deemed a separate offense.
- C. Violation of this Ordinance is deemed to be a Nuisance per se. The village, in the furtherance of the public health, is hereby empowered to make all necessary repairs or take other corrective action necessitated by such Nuisance or violation. The Person who violated the Ordinance or permitted such Nuisance or violation to occur shall be responsible to the Village for the costs and expenses incurred by the Village in making such repairs or taking such action
- D. Any Person who fails to complete a connection to the Public Sewer required by this ordinance shall be subject to the Village bringing action for a mandatory injunction to compel such connections.

- E. In addition to any other remedies contained herein, any Person violation any of the provision of this Ordinance shall be liable to the village for any expenses, loss, or damage suffered by the Village by reason of such violation, including User Charges for failure to connect to the system that would have accrued and been payable had the connection been made as required.
- F. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

SECTION 14. EFFECTIVE DATE.

This Ordinance becomes effective twenty (20) days after the date of adoption specified below.

The undersigned Clerk of the Village of Otter Lake hereby certify that this Ordinance was adopted by the Otter Lake Village Council on the 7th day of February, 2005. A notice of adoption was published in the County Press on the 23rd day of February, 2005

Joan Skias _____

Joan Skias, Otter Lake Village Clerk