

CODIFIED ORDINANCES OF NEGAUNEE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas

Chap. 1020. Sidewalk Construction and Repair.

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CODIFIED ORDINANCES OF NEGAUNEE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas
Chap. 1020. Sidewalk Construction and Repair.

CHAPTER 1020
Sidewalk Construction and Repair

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CROSS REFERENCES

Failure of property owner to keep sidewalks free of
obstructions - see M.C.L.A. §103.4
Sidewalks generally - see M.C.L.A. §§691.1401 et seq.
Snow and ice removal - see GEN. OFF. Ch. 688
Sidewalks in subdivisions - see P. & Z. 1246.05

1020.01 DEFINITIONS.

As used in this chapter:

- (a) "Construct" means to construct, repair or rebuild.
- (b) "Frontage" is defined as follows:
 - (1) For residences, which are construed to include premises used and occupied exclusively for residential purposes, and for unimproved lots, "frontage" means that portion of the sidewalk that is parallel to the main or principal entrance to the dwelling or improvement thereon. When a residence is located on a corner, "frontage" shall be deemed to include that portion of the lot which does not front on the main entrance of the premises.
 - (2) For commercial properties, which are construed to include all improved properties, any portion of which is used for nonresidential purposes, "frontage" means all portions of sidewalk that abut thereon. For commercial properties located on corners, "frontage" shall be deemed to include that portion of the lot which does not front on the main entrance of the premises.
- (c) "Property owner" means the owner of the lot adjoining the sidewalk to be constructed, provided that if the owner of the lot improved has issued a mine lease on said lot, then "property owner" shall mean the lessee or owner of said leasehold interest.
- (d) "Sidewalk" means that part of a public highway set aside and used for pedestrians, and it shall always mean the curb and gutter customarily built in connection with such sidewalks.

1020.02 COMPLIANCE.

All sidewalks hereafter constructed in the City shall be in compliance with the provisions of this chapter.

1020.03 RESOLUTION OF NECESSITY AND INTENTION.

Council, by resolution or motion, shall determine the necessity of constructing sidewalks in any street in the City and shall therein declare the intention of the City to make said improvement. Such improvement shall be made in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

1020.04 NOTICE TO PROPERTY OWNER.

The City Manager shall give notice, either by personal service or by newspaper publication, to the property owner or owners adjoining the sidewalk which is proposed to be constructed, of the intention of the City to make such improvement and of the portion thereof to be assessed, such assessment to be made in accordance with the provisions of Article X of the City Charter.

1020.05 PLANS AND SPECIFICATIONS.

All sidewalks shall be constructed in compliance with the plans therefor and with the standard specifications of the City. All concrete used in sidewalk construction shall, twenty-eight days after placement, be capable of resisting pressure of 2,500 pounds per square inch, without failure.

1020.06 PERMISSION REQUIRED; EXCEPTION.

(a) No sidewalk shall be constructed in the City by any sidewalk builder, other than the City, without permission being obtained from the City Manager or his or her designee. This permission shall be secured by the property owner who shall in writing agree to construct the sidewalk in compliance with the grade and specifications attached to such permission. The property owner shall be responsible for the condition of the sidewalk.

(b) No such permission shall be required for the repair of any sidewalk involving less than fifty square feet in area.

1020.07 CONSTRUCTION BY CITY; COSTS.

If the property owner shall fail or neglect to construct said sidewalk, for twenty days after the notice provided for in Section 1020.04 is given to him or her, then the City Manager shall cause said sidewalk to be built and the City Manager shall prepare a detailed statement of all expense involved in such construction. The statement shall be delivered by the City Manager to the City Assessor who shall cause an assessment to be made against the property owner in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

1020.08 COLLECTION OF COSTS BY CITY.

(a) The cost of repairs to be charged against the property owner, as set forth in Section 1020.07, shall be payable at the office of the City Treasurer on or before sixty days after said cost is billed to said property owner. If payment in full is not made within such period, then the portion of the cost thereof for which the property owner is liable shall constitute an assessment in accordance with the procedures for making special assessments provided for in Article X of the City Charter.

(b) The assessment, when confirmed by the City Manager, shall constitute a lien against the interest of the property owner in the premises and shall have the status of a special assessment. The Assessor of the City shall keep and maintain a special assessment book in which he or she shall inscribe all special assessments levied under these Codified Ordinances. Such special assessments shall be collected according to the law in the same manner as other City taxes, or the City may collect such assessment from the property owner in an action of assumpsit brought in the name of the City after the City Manager has authorized the same.

1020.09 DIVISION OF COSTS.

Whenever any sidewalk is constructed in the City under this chapter, all or a portion of the entire cost of labor and materials shall be billed to the owner of the property benefitted, in accordance with the provisions of Article X of the City Charter, which benefit shall be computed according to the frontage of the property. The City shall pay out the remaining cost arising from said improvement. The cost assumed by the City shall be limited to that arising from sidewalk construction, and the City shall not participate in cost arising from unusual land conditions or from the need to reinforce the foundation of any sidewalk or from special or unusual situations.

1020.10 MODIFICATION OF APRONS.

The modification of the apron of any driveway using concrete, blacktopping or gravel, without written authority from the City Council, is prohibited.

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE FOUR - Utilities

- Chap. 1040. Sewers.
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CHAPTER 1040

Sewers

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1040.09	Industrial surcharges.	1040.99	Penalty.

CROSS REFERENCES

- Sewers and sewer systems generally - see Mich. Const. Art. 7,
 §24; M.C.L.A. §§46.171 et seq., 67.34, 123.241 et seq.,
 323.151 et seq., 325.201 et seq.
 Sewers and sewer systems in home rule cities - see M.C.L.A.
 §§117.4b, 117.4e, 117.4f, 117.35
 Sewers in trailer and tourist camps - see B.R. & T. 876.10
 Sewers in subdivisions - see P. & Z. 1246.02, 1246.04

1040.01 DEFINITIONS.

As used in this chapter, unless the context specifically indicates otherwise:

- (1) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius.
- (2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (3) "Building sewer" means the extension from the building drain to the public sewer or other places of disposal.
- (4) "Clean Water Act" means the Federal Pollution Control Act of 1972 (Public Law 92-500), as amended.
- (5) "Combined sewer" means a sewer receiving both surface runoff and sewage.
- (6) "Compatible pollutant" means a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.
- (7) "Debt service charge" means charges levied to customers of the wastewater system, which charges are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the user charge specified above.
- (8) "Federal grant" means a grant in aid in construction of wastewater treatment works provided under PL 92-500.
- (9) "Federal grant amount for the industrial recovery charges" means only that portion of the total project costs of Project No. C-262310 for wastewater treatment which was funded by the U.S. Environmental Protection Agency.
- (10) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (11) "Incompatible pollutants" means any pollutant which is not a compatible pollutant.
- (12) "Industrial cost recovery" means recovery by the local agency from industrial users of the treatment works, or that portion of the Federal grant amount allocable to the construction of facilities for the treatment of wastes from such users, pursuant to 40 CFR 35.928.

Water Generally

- (13) "Industrial waste" means wastewater discharges from industrial, manufacturing, trade or business processes, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.
- (14) "Local agency" means the City of Negaunee or its designated official or department.
- (15) "Major contributing industry" means any industrial user of the publicly owned treatment works that:
 - A. Has a flow of 50,000 gallons or more per average work day;
 - B. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - C. Has in its waste a toxic pollutant in toxic amounts as defined in the standards issued under Section 307(a) of the Act; or
 - D. Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.
- (16) "May" is permissive.
- (17) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface ground water.
- (18) "Nonindustrial user" means any governmental or residential user and also includes commercial, institutional and other industrial users where it has been determined that the wastes contributed by these users are primarily segregated domestic wastes or wastes from sanitary conveniences.
- (19) "Normal domestic wastes" means wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes, which domestic wastes do not exceed a BOD strength of 250 milligrams per liter or a suspended solids strength of 300 milligrams per liter.
- (20) "NPDES permit" means a permit issued pursuant to the National Pollutant Discharge Elimination System prescribed in PL 92-500.
- (21) "Operation and maintenance" means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable State and Federal regulations, and includes the cost of replacement.
- (22) "Person" means any individual, firm, company, association, society, group or corporation.

Water Generally

- (23) "PL 92-500" means the Federal Water Pollution Control Act of 1972, being Public Law 92-500 of the ninety-second Congress and adopted on October 18, 1972.
- (24) "Properly shredded garbage" means wastes from the preparation, cooking or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (25) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the local agency.
- (26) "Recovered amounts" means annual payments from industrial users for their share of the Federal grant amount allocable to the treatment of industrial waste, by the recovery period. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.
- (27) "Recovery period" means the industrial cost recovery period, which is hereby defined as a period of thirty years.
- (28) "Replacement" means the replacement in whole or in part of any equipment in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES permit and other applicable State and Federal regulations.
- (29) "Retained amounts" means that portion of the recovered amounts retained by the local agency. The retained amounts will be equal to fifty percent of the recovered amounts, together with interest earned thereon. Retained amounts shall be under the jurisdiction of the City.
- (30) "Revenues" and "net revenues" are defined in Section 3 of Act 94 of the Public Acts of 1933, as amended.
- (31) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (32) "Sewer" means a pipe or conduit for carrying sewage.
- (33) "Sewer service charge" means the sum applicable of the user charge, surcharges, industrial cost recovery and debt service charges.
- (34) "Shall" is mandatory.
- (35) "Storm drain" and "storm sewer" mean a sewer which carries storm and surface waters and drainage, but which excludes sewage and polluted industrial wastes.
- (36) "Surcharge," as a part of the service charge, means the additional charge required to be paid by any customer discharging wastewater having strength in excess of 250 mg/l BOD and 300 mg/l SS, to cover the cost of treating such excess strength wastewater.

Water Generally

- (37) "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and that are removable by laboratory filtering.
- (38) "System" means the complete City sanitary sewage system, including all mains, pumps, lift stations and collection and disposal facilities, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.
- (39) "User charge" means a charge levied on users of a treatment works for the cost of operation and maintenance of sewage works, pursuant to Section 204b of PL 92-500, and includes the cost of replacement.
- (40) "User class" means the kind of user connected to sanitary sewers, including, but not limited to, residential, industrial, commercial, institutional and governmental.
 - A. "Commercial user" means an establishment listed in the Office of Management and Budget's Standard Industrial Classification Manual (1972 edition), involved in a commercial enterprise, business or service which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
 - B. "Governmental user" means any Federal, State or local government user of the wastewater treatment works.
 - C. "Industrial user" means any nongovernmental user or manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. Industrial users shall be identified in the Standard Industrial Classification Manual (1972 edition), Office of Management and Budget, as amended and supplemented under the following divisions:
 - Division A - Agriculture, Forestry and Fishing
 - Division B - Mining
 - Division D - Manufacturing
 - Division E - Transportation, Communication, Electric, Gas and Sanitary Services
 - Division I - Services
 - D. "Institutional user" means any establishment listed in the Standard Industrial Classification Manual (1972 edition) involved in a social, charitable, religious or educational function, which, based on a determination by the local agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - E. "Residential user" means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments and permanent multifamily dwellings. Transit lodging is not included; it is considered commercial.

- (41) "Wastewater" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.
- (42) "Wastewater plant" means any arrangement of devices and structures used for treating wastewater.
- (43) "Wastewater works" means all facilities for collecting, pumping, treating and disposing of wastewater.
- (44) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

1040.02 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 local agency, or in any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the local agency and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his or her expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of official notice to do so.

1040.03 PRIVATE SEWAGE DISPOSAL.

(a) Where a public sanitary sewer is not available under the provisions of Section 1040.02(d), the building sewer shall be connected to a private sewage disposal system, that complies with County Health Department regulations.

(b) At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1040.02(d), direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, filled with suitable material and sealed.

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

1040.04 BUILDING SEWERS AND CONNECTIONS.

(a) No unauthorized person shall uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefor from the local agency. No building sewer shall be covered until after it has been inspected and approved by the authorized official. The cost of the application and permit shall be ten dollars (\$10.00).

(b) All costs and expense incident to the installation and connection of the building sewer to the public sewer connection shall be borne by the owner.

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

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

(e) A newly constructed building sewer shall be Schedule 40 PVC, cast iron, vitrified clay sewer pipe or asbestos cement pipe. Joints shall be tight and waterproof. Materials and joints shall be as approved by the local agency. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle. Transitions or connections will be constructed only with fabricated connection fittings approved by the local agency.

(f) The size and slope of the building sewer shall be subject to the approval of the local agency, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall not be less than one-eighth inch per foot, unless otherwise permitted.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in a straight line.

(h) 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 a pumping system approved by the local agency and discharged to the building sewer.

(i) No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

1040.05 USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, or roof water, to any sanitary sewer or sewer connection except as otherwise provided in this chapter. Downspouts and roof leaders shall be disconnected from sanitary sewers within one year of the date of this chapter.

(b) Storm water, ground water, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this chapter. Industrial cooling water or unpolluted process waters may be discharged, upon application and approval of the local agency and the appropriate State agency, to a storm sewer or natural outlet.

(c) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-six degrees Celsius) or lower than thirty-two degrees Fahrenheit (zero degrees Celsius).
- (2) Any water or waste which may contain more than 100 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) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, woods, paunch manure or other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewerage works.
- (6) Any waters or wastes having corrosive properties capable of causing drainage hazard to structures, equipment and personnel of the sewerage works.
- (7) Any waters with a pH lower than 6.5 or greater than 9.5.

Water Generally

- (8) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the treatment plant.
- (9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any industrial waste that may cause a deviation from the NPDES permit requirements, pretreatment standards any other State or Federal regulations.

(d) Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients, except that such interceptors shall not be required for single-family or multiple-family dwelling units. All interceptors shall be of a type and capacity approved by the local agency and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted into place, shall be gastight and watertight.

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

(f) The admission into the public sewers of any waters or wastes containing more than 250 mg/l of BOD or 300 mg/l of suspended solids, or containing any quantity of substances having the characteristics described in subsection (c) hereof, having an average daily flow greater than two percent of the average daily flow of the local agency, shall be subject to review and approval of the local agency. Preliminary treatment shall be provided at no expense to the local agency as may be necessary to reduce the BOD to 250 mg/l and suspended solids to 300 mg/l, or to reduce objectionable characteristics for constituents to within the maximum limits provided for in subsection (c) hereof, or to control the quantity and rates of discharges of such waters or wastes. A person may be required to remove, exclude or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the interest of the local agency. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation by the owner at his or her expense. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval, and no construction of any facility shall be commenced until said approvals are obtained in writing. The local agency may elect to treat industrial wastes, discharged in excess of normal domestic concentrations, on a basis prescribed by written agreement and for an established surcharge to cover the added cost.

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

(h) All measurements, tests and analyses of the characteristics of waters and wastes to which references are made shall be determined in accordance with Standard Methods for Examination of Water and Wastewater and Guidelines Establishing Test Procedure for the Analysis of Pollutants, Federal Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1973, and shall be determined at the control manhole provided for in subsection (g) hereof, 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.

(i) No statement contained in this section shall be construed as preventing any special agreement between the local agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefor by the industrial concern, provided that such agreement shall not violate NPDES requirements and provided that user charges, surcharges and industrial cost recovery payments as provided in this chapter are agreed to in the agreement.

1040.06 DAMAGING SEWERAGE WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any sewerage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

1040.07 AUTHORITY OF INSPECTORS.

Duly authorized employees or representatives of the local agency, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

1040.08 DISCHARGE TO SANITARY OR STORM SEWERS OR RECEIVING STREAMS.

(a) Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall comply with the provisions of subsection (b) hereof.

(b) The local agency may require each person who applies for or receives sewer service, or who, through the nature of the enterprise, creates a potential environmental problem, to do the following:

- (1) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged and the present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
- (2) Provide a plan map of the building, works or complex, with each outfall to surface waters, a sanitary sewer, a storm sewer, a natural watercourse or ground waters noted and described and the waste stream identified.
- (3) Make sample tests and file reports with the local agency and appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods, approved by the local agency.
- (4) Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
- (5) Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as those factors may affect waste control.
- (6) Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oil, radioactive material, solvent, or other wastes.
- (7) Give written notification to the local agency if any industrial process is to be altered to include a process waste or potential waste, which shall then be subject to the approval of the local agency.

1040.09 INDUSTRIAL SURCHARGES.

(a) If the character of the sewage of any manufacturing or industrial plant or any other building or premises shall be such as to impose any unreasonable burden upon the sewers of the system or upon the sewage treatment plant in excess of a maximum limit prescribed in this chapter, then an additional charge shall be made over and above the regular rates, or the local agency shall require that such sewage be treated by the person responsible therefor before being emptied into the sewer, or the right to empty such sewage shall be denied, if necessary, to protect the system or any part thereof. Surcharges required shall be computed as the prorated share of the annual costs of operation and maintenance, including replacement, attributable to treating a substance, multiplied by the ratio of the weight of surchargeable excess of the discharged substance to the total weight of such substance that is treated in that year. This amount shall be collected on the basis of estimated surchargeable amounts with each billing and shall be adjusted annually to reflect actual operation, maintenance and replacement costs. If any premises connected to the system discharge a large portion of total water used into the storm sewer and not

into the sanitary sewer, all such discharges shall comply with the requirements of State and Federal agencies.

(b) Any wastewater discharged into the sewer system having a substance in excess of the limits prescribed in Section 1040.05 shall be permitted only if provided for in a special agreement with the industrial concern discharging the wastewater, and then only if such agreement provides for the payment by the industrial concern for the full cost of treating such excess constituents in the wastewater.

1040.10 INDUSTRIAL COST RECOVERY SYSTEM CHARGES.

(a) Project No. C-262310 is defined as a separate and distinct construction project for the construction of the treatment works which was sponsored by the U.S. Environmental Protection Agency under the provisions of Public Law 92-500 and granted through the City. This project does not include past or future construction, equipment or other services not included under the specific project number and the approved plans, specifications and approved change orders for the project.

(b) In order to comply with the special grant conditions under PL 92-500, which require the grantee to recover from industrial users of the waste treatment facilities that portion of the grant amount allocable to the treatment of industrial wastes, the local agency will collect all required industrial cost revenue charges and remit the same in accordance with Federal requirements of the U.S. Environmental Protection Agency as prescribed in this section.

(c) Recovered amounts shall be collected each year during the industrial cost recovery period from each industrial user as defined in Section 1040.01.

(d) An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works.

(e) If there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.

(f) If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.

(g) The industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(h) The industrial user's share shall not include an interest component.

(i) Retained amounts shall be monies held from recovered amounts. The local agency shall retain fifty percent of the amounts recovered from industrial users. The remaining fifty percent of recovered amounts, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(j) A minimum of eighty percent of the amounts retained by the local agency, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project. The local agency shall obtain the written approval of the Regional Administrator of the U.S. Environmental Protection Agency prior to commitment of the retained amounts for any expansion and reconstruction. The remaining twenty percent of the retained amounts may be used as the local agency sees fit.

(k) Pending use, the local agency shall invest the retained amounts for reconstruction and expansion in either obligations of the U.S. Government or obligations guaranteed as to principal and interest by the U.S. Government of any agency thereof, or shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

(l) All process wastewater with a flow greater than the equivalent of 25,000 gallons per day sanitary flow, from industrial facilities, are subject to an industrial cost recovery charge. The I.C.R. charge is to be collected with sewer service billings.

(m) In addition, for BOD greater than 250 milligrams per liter, or for suspended solids greater than 300 milligrams per liter, an additional industrial cost recovery surcharge will be levied equal to the cost of treatment per pound of BOD in excess of 250 milligrams per liter and the cost of treatment per pound of suspended solids in excess of 300 milligrams per liter.

1040.11 RECORDKEEPING.

(a) The local agency will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The local agency will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant and will supply such audit report to authorized public officials on request.

(b) In conjunction with the audit there shall be an annual review of the sewer charge system to determine whether or not it is sufficient to meet expected expenditures for the following year.

(c) Classification of old and new industrial users shall also be reviewed annually.

(d) The local agency will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

1040.12 AUTHORITY TO OPERATE A WASTEWATER UTILITY.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the City that its sanitary sewerage system be operated on a public utility rate basis in accordance with the provisions of Act 94 of the Public Acts of 1933, as amended.

1040.13 RATES AND CHARGES.

Rates to be charged for service furnished by the system shall be as follows:

- (a) Use Charges. Charges for use of the sewerage system shall be as determined from time to time by resolution of Council.
- (b) Special Rates. For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by Council.
- (c) Industrial Cost Recovery Charge. Council shall establish a system of industrial cost recovery charges applicable to any user of the system consistent with the terms and conditions of the Federal grant financing part of the cost of the system, which charge shall be collected, held and used in the manner required by said Federal grant. (Adopting Ordinance)
- (d) Billing. Bills will be rendered monthly, payable without penalty within thirty days after the date thereon. Payment received after such period shall be considered delinquent and bear a penalty of one and one-half percent per month of the total amount payable.
- (e) Enforcement.
 - (1) Charges for sewerage service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council, and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation of, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

- (2) The City shall have the right to shut off sewer service to any premises for which charges for sewer service are more than fifteen days delinquent. Once the account is delinquent, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Before the service is again turned on after such discontinuance, a re-connection fee established from time to time by resolution of Council shall be paid, and provision shall be made to pay the delinquent account. Such charges and penalties may be recovered by the City by court action. Notice of delinquency and shut-off shall be sent as provided for in Section 1042.08.
- (f) Account Applications and Deposits. No connection or provision of sewer service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for services shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Council. The City may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the City by that person or legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance, reading and calibration. (Ord. Unno. Passed 7-10-96.)

1040.14 FREE SERVICE.

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

1040.15 LEVELS OF RATES.

The rates fixed by this chapter are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses of maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said system as this chapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

1040.16 OPERATING YEAR.

The system shall be operated on the basis of an operating year commencing on January 1 and ending on the last day of December next following.

1040.17 FINANCIAL HARDSHIP.

The owner of a single family residence, which residence has been assessed a connection charge, may submit a hardship application to the City seeking a deferment in the partial or total payment of the charges for benefits provided for in this chapter, based upon a showing of financial hardship, subject to and in accordance with the following:

- (a) The owners of the premises shall, under oath, complete a hardship application provided by Council and file such application, together with all other information and documentation reasonably required by the City, with the City Council not less than sixty days prior to the date of the annual installment due. Any such deferment shall be for that annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, except financial institutions having security interests in the premises.
- (b) Hardship applications shall be reviewed by Council, and, after due deliberation of the same, Council shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicant of said determination.
- (c) An applicant aggrieved by the determination of Council may request the opportunity to appear before Council in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before Council shall be final and conclusive.
- (d) In the event that Council makes a finding of hardship, Council shall fix the amount of deferment of partial or total charges so imposed, and in so doing, shall require an annual filing of financial status by each applicant, provided that upon a material change of financial status of an applicant, said applicant shall immediately notify the Clerk of the City so that a further review of the matter may be made by Council, and provided, further, that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - (1) A change of the applicant's financial status which removes the basis for financial hardship;
 - (2) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
 - (3) A death of any of the applicants.

- (e) Upon receiving a determination of Council deferring partial or total charges imposed, the owners of the premises shall, within one month, execute a recordable security instrument on the premises to the City, as the secured party, payable on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the premises. Said security interest shall be in an amount necessary to cover all fees and charges required under this chapter, and all costs of installation and connection, the consideration for said security interest being the grant of deferment pursuant to this chapter.

1040.18 CONNECTIONS TO THE SYSTEM.

(a) All premises to which services of the system shall be available shall connect to the system within ninety days after the mailing of a notice to such premises by the City indicating that such services are available and requiring that such connection be made. All premises shall be charged a connection fee of twenty-five dollars (\$25.00) per single family user equivalent. Said charge shall be payable before connection.

(b) Where a sewer is constructed by a landowner, said landowner shall pay the cost of construction. Construction shall not be commenced until all required permits are obtained and all connection charges are paid to the City.

(c) The City will be responsible for the operation and maintenance of all sewer mains. All lateral connections to the City sewer main or any subsequent problems arising in those laterals will be the responsibility of the property owner.

1040.19 VIOLATIONS; NOTICE TO CORRECT.

(a) Any person found to be violating any provision of this chapter, except Section 1040.06, shall be served by the local agency with written notice stating the nature of the violation and providing a reasonable time limit (but not exceeding sixty days) 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 violates Section 1040.06 or who fails to comply with the notice provided for in subsection (a) hereof, within the period of time provided for therein, shall be guilty of a misdemeanor.

(c) In addition to the penalty provided in Section 1040.99, any person violating any of the provisions of this chapter shall become liable to the local agency for any expense, loss or damage occasioned by reason of such violation.

1040.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months

Water Generally

prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the sewer usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.

(Ord. Unno. Passed 7-10-96.)

Water Generally

CHAPTER 1042
Water Generally

1042.01	Definitions.	1042.07	Turn-off of service for nonuse or waste.
1042.02	Water rates for metered service.	1042.08	Turn-off of service for delinquency; reconnection fee.
1042.03	Water rates for unmetered service.	1042.09	Collection of charges.
1042.04	Tap-in charges.	1042.10	Use of monies collected.
1042.05	Charge for thawing freeze-ups and fixing leaks.	1042.11	Tampering with meters.
1042.06	Installation and use of meters and special pipes.	1042.12	Right of entry.
		1042.99	Penalty.

CROSS REFERENCES

Water quality - see Mich. Const. Art. 4, §§22, 52; M.C.L.A. §§67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, §24; M.C.L.A. §§46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water supply in home rule cities - see M.C.L.A. §§117.4b, 117.4e, 117.4f, 117.35, 123.115

Water supply for trailer and tourist camps - see B.R. & T. 876.08

Water supply cross-connections - see S.U. & P.S. Ch. 1044

Protection of water supply - see S.U. & P.S. 1044.05

Water wells and facilities in subdivisions - see P. & Z. 1246.03

1042.01 DEFINITIONS.

As used in this chapter:

- (a) "Flat rate" and "unmetered service" mean the furnishing of water, the amount of which is not measured.
- (b) "Metered service" means the furnishing of water, the amount of which is measured by City meters used in conjunction therewith on the premises served.
- (c) "Water rates" means present charges for water, including the supplying and furnishing thereof and any and all service charges incidental thereto.

1042.02 WATER RATES FOR METERED SERVICE.

- (a) Rates Established. Rates and related charges for water furnished by the City through metered service shall be as established from time to time by resolution of Council after a public meeting.
- (b) Account Applications and Deposits. No connection or provision of water service shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for service shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the service and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by resolution of the Council. The City may require an increase in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened. A new utility account shall not be opened, nor shall any utility services be provided to a person or other legal entity, until all prior unpaid utility charges, interest, penalties and collection fees owed to the City by that person or other legal entity have been paid in full. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance, reading and calibration.
(Ord. Unno. Passed 7-10-96.)

1042.03 WATER RATES FOR UNMETERED SERVICE.

For premises served by the City's water system, the monthly rates for unmetered water shall be as established from time to time by resolution of Council based on estimated usage per month. The minimum fixed monthly charge shall be based on the meter size required if the customer were metered. The estimated quantity of water used shall be based on a representative average usage of similar metered customers.

1042.04 TAP-IN CHARGES.

(a) For each 3/4-inch tap-in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(b) For each one-inch tap-in to the water main, the rate payer shall pay to the City prior to the work being instituted a sum to be established from time to time by resolution of Council. For said charge, the City shall provide the water lateral from the main to the shut-off which shall include the following items: copper tubing, shut-off, corporation stops, curb box, street and curb restoration and landscaping as required on City rights of way.

(c) In case a specially adapted tap in excess of one inch is needed for a tap-in because of unusual use of the premises, an advance deposit, the amount of which shall be established from time to time by resolution of Council, will be required and the customer shall pay the actual cost of the tap-in.

(d) For the purposes of this section, the City shall charge a re-connection fee and a fee for sidewalk restoration, as established from time to time by resolution of Council, said fees to be paid in advance by the property owner. Increases in these fees shall be by Council resolution. Re-connection fees caused by water main freeze-up and main replacement shall be waived.

1042.05 CHARGE FOR THAWING FREEZE-UPS AND FIXING LEAKS.

(a) All frozen water pipes from the shut-off to private dwellings, and on or under private property, shall not be remedied by the City, but shall be remedied privately by the property owner. If the property owner wishes to have the lines on his or her private property thawed by the City work force, he or she can do so by payment of fifty percent of the actual cost for said service and signing a liability waiver holding the City harmless from any damage resulting from the thawing of said water lines. Because of potential fire hazard, no thawing service will be done after 8:00 p.m. or before 7:00 a.m. of the following day. The service charge may be amended from time to time by Council resolution. Failure to pay this charge shall be grounds for discontinuing service.

(b) All leaks and damage to mains and laterals under the street and up to the shut-off shall be repaired at the City's expense. But leaks and repairs necessary from the shut-off to private dwellings, and on or under private property, shall not be repaired or remedied by the City, but shall be remedied privately by the property owner.

1042.06 INSTALLATION AND USE OF METERS AND SPECIAL PIPES.

(a) All meters of a size over one inch shall be furnished by the City, but the person requesting said meter shall be charged the cost thereof.

(b) All meters of a size of 3/4-inch or less shall be installed free of charge by the City.

(c) All special pipes or connections and all pipes over one inch shall be charged to the person requesting the same.

(d) In the event that a water meter recording device is defective for any reason and fails to record the water passing through the meter for any given period of time, the City shall estimate the amount of water consumed during the inoperable period of time. The estimate shall be reasonable and based on the past record of consumption as shown on the City records. The City shall charge a meter testing fee as established from time to time by resolution of Council, to be paid in advance by the customer. If the meter is found to be defective, it shall be repaired and the meter testing fee returned to the customer. Council may adjust the meter testing fee from time to time by resolution.

(e) If a resident is permitted to allow his or her water to run in order to prevent the water line from freezing, the procedure to be followed shall be as adopted by Council in its Let Run Policy. Said Policy may be amended from time to time by Council resolution. Water shall not be permitted to run to prevent freezing without first contacting the City for written permission.

(f) Water meters shall be installed upon any premises supplied with water by the City, except as the Council shall by resolution provide. Water meters shall remain the property of the City. The cost of repair or replacement of any water meter that is damaged, except for damage resulting from normal wear and tear, shall be assessed to the occupant or owner of the premises.

1042.07 TURN-OFF OF SERVICE FOR NONUSE OR WASTE.

The City shall have the right to turn off the City connection from the main to any premises where it is apparent that the water is not being used, or that the water is being turned on and wasted for no proper useful purpose.

**1042.08 TURN-OFF OF SERVICE FOR DELINQUENCY;
RECONNECTION FEE.**

Bills shall be rendered monthly, payable without penalty within thirty days after the date thereon. An account that has not been paid in full within thirty days after the statement is mailed shall be considered delinquent and shall have added to it a penalty in the amount of one and one-half percent. An additional penalty of one and one-half percent shall be added to the unpaid account each month thereafter until the account, including all penalties, is paid in full. If all rates and charges are not paid in full after being delinquent for fifteen days, water service may be shut off and discontinued. Once the account is delinquent, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Before the water is again turned on after such discontinuance, a reconnection fee established from time to time by resolution of Council shall be paid, and provision shall be made to pay the delinquent account.

(Ord. Unno. Passed 7-10-96.)

1042.09 COLLECTION OF CHARGES.

Charges for water service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of water or sewage bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the water works system or the sewerage system, or both, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

(Ord. Unno. Passed 7-10-96.)

1042.10 USE OF MONIES COLLECTED.

(a) All monies collected from water rates shall be allocated to the following funds and uses:

- (1) The cost of operation of the water system;
- (2) Reserve for depreciation;
- (3) Capital improvements.

(b) It is the policy of the City that the Water Division shall be self-supporting or as nearly as may be possible.

1042.11 TAMPERING WITH METERS.

(a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of a water meter in the City, nor shall any premises have a water outlet on the waterline between the curbstop and the water meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties and reconnection fees and deposits are paid in full.

(Ord. Unno. Passed 7-10-96.)

1042.12 RIGHT OF ENTRY.

A representative of the City Division of Water shall have the right to enter, at reasonable times, any premises served by City sewer or water service for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter and piping systems. If the owner or occupant of the premises refuses entry, he or she shall then be given written notice (notice to one constitutes notice to both) that water service shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.
(Ord. Unno. Passed 7-10-96.)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in section 202.99, any water meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal cross connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the water usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.

(Ord. Unno. Passed 7-10-96.)

FIRST READING: June 13, 2013
SECOND READING: July 18, 2013
PUBLICATIONS July 26th & 27th, 2013
EFFECTIVE: July 30, 2013

AMENDMENT TO ORDINANCE 1044

The City of Negaunee, ORDAINS:

That Chapter 1044 of the Codified Ordinances of the City of Negaunee, Michigan shall be, and the same hereby is amended to read as follows:

REPEALER

The existing provisions of Chapter 1044 shall remain in full force and effect, except that any ordinance, resolution, order or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following amendment.

SECTION 1044 – WATER SUPPLY CROSS CONNECTIONS

An ordinance regulating cross connections with the public water supply system, i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

AMENDMENT

1044.01 ADOPTION OF RULES OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

That Negaunee City adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

1044.02 RESPONSIBILITY OF WATER DIVISION.

That it shall be the duty of the Negaunee City Water Division to cause inspections to be made of all properties served by the public water supply where cross connection 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 Negaunee City Water Division and as approved by the Michigan Department of Environmental Quality.

1044.03 RIGHT OF ENTRY.

That the representative of the Negaunee City Water Division shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Negaunee City 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 connection.

1044.04 DISCONTINUANCE OF SERVICE.

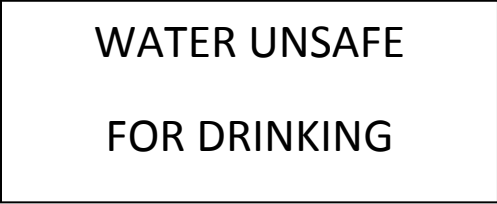
That the Negaunee City Water Division is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

1044.05 TESTING OF BACKFLOW PREVENTION ASSEMBLIES.

That all testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis as required by the City of Negaunee and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that are approved by the City and State of Michigan certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

1044.06 PROTECTION OF THE WATER SUPPLY.

That the potable water supply made available on the properties served by the public water supply be protected from possible contamination as specified by this ordinance and by the State and Marquette 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:



1044.07 INTERPRETATION.

That this ordinance does not supersede the state plumbing code and the Marquette County plumbing code, but is supplementary to them.

1044.99 VIOLATIONS AND PENALTIES.

That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of Negaunee City, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500 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 ordinance.

ADOPTION

The Amendment shall be published as required by law, and shall be effective on the day of 2013.

Upon roll call,

Council Members Voting Aye: Council Members LaCosse, Haines, Menhennick, VanStraten, and Mayor Wills

Council Members Voting Nay: None

Council Members Absent: Council Members Schuhknecht and Rogers

City of Negaunee

By: Richard Wills, Mayor

Attest: Judy Iwanski, Clerk

Electricity

CHAPTER 1046
Electricity

1046.01	Sale and distribution by City; compliance.	1046.13	Claims against decedents' and bankrupt consumers estates.
1046.02	Application for service.	1046.14	Theft of service.
1046.03	Continuation of service.	1046.15	Tampering with meters or lines.
1046.04	Location and ownership of meters.	1046.16	Repairs and alterations to system.
1046.05	Cycle billing.	1046.17	Preparation and approval of rules and regulations.
1046.06	Default in payment.	1046.18	Arrangements with cogeneration and small power production facilities.
1046.07	Connection of meter required; deposit; charges.	1046.19	Right of entry.
1046.08	Reconnection of meters.	1046.99	Penalty.
1046.09	Hardship cases.		
1046.10	Collection of charges.		
1046.11	Delinquent former consumers.		
1046.12	Reports to Council.		

CROSS REFERENCES

Electricity generally - see Mich. Const. Art. 7, §§24, 25
Municipally owned utilities - see CHTR. Art. XIII
Electrical Code in home rule cities - see M.C.L.A. §§117.3, 117.4b et seq., 117.4f
Applicability of Electrical Code to trailer and tourist camps - see B.R. & T. 876.13
Utilities in subdivisions - see P. & Z. 1246.02 et seq., 1246.06
Electrical Code - see B. & H. Ch. 1426

1046.01 SALE AND DISTRIBUTION BY CITY; COMPLIANCE.

All electricity sold and distributed by the City to consumers, other than the City and its agencies, shall be governed by, and be subject to, the provisions of this chapter and the rules and regulations concerning the use of electricity as may from time to time be adopted and approved by Council.

1046.02 APPLICATION FOR SERVICE.

No connection or provision of electric current shall be made until an applicant therefor shall complete and sign an application form, which form shall include an agreement that all charges for electrical service shall be promptly paid when billed. The application shall contain the name and address of both the consumer of the electricity and the owner of the premises to be connected, and such other information as the City Manager or Council shall require. In addition to completing an application, the consumer shall make an account deposit as determined by the Council by resolution. The account application shall also state that the applicant consents to allow access to City meters at reasonable times by City employees for inspection, maintenance or calibration. The City may require increases in the initial deposit if the account holder develops a record of delinquent payments after the account has been opened.
(Ord. Unno. Passed 7-10-96.)

1046.03 CONTINUATION OF SERVICE.

Service to a consumer shall be continuous as long as such consumer is in good standing.

1046.04 LOCATION AND OWNERSHIP OF METERS.

All meters hereafter installed for measuring the consumption of electricity shall be placed on the outside of the premises and shall remain the property of the City.

1046.05 CYCLE BILLING.

Cycle billing shall be made for all consumers of electricity. On or before the last day of each month, all electricity meters shall be read or estimated. Once each month, the City shall mail to each electrical consumer a statement of charges for electrical services for the preceding month, any and all overdue charges and any and all other unpaid charges, penalties or assessments. All such amounts billed shall be paid by the consumer within thirty days after the date the statement was mailed.

1046.06 DEFAULT IN PAYMENT.

Every account that has not been paid in full within thirty days after the statement referred to in Section 1046.05 is mailed shall be considered delinquent and shall have added to it a penalty in the amount of one and one-half percent. An additional penalty of one and one-half percent shall be added to the unpaid account each month thereafter until the account, including all penalties, is paid in full. After the account has been delinquent for fifteen days, the City shall mail a notice of delinquency and disconnection, on a form approved by Council, to the consumer and to the owner of the premises, as indicated on the account application, if different from the consumer. The notice shall indicate that the account is delinquent and that services shall be terminated on the fifteenth day after mailing of the notice of delinquency and disconnection, unless the account is paid in full. Once electrical service has been terminated for nonpayment of an account, the entire account must be paid in full before service will be reconnected. No connection shall be made nor any electrical services supplied to any consumer who owes the City on an account for a previous connection. (Ord. Unno. Passed 7-10-96.)

1046.07 CONNECTION OF METER REQUIRED; DEPOSIT; CHARGES.

(a) No electricity shall be furnished to a new consumer until the meter has been connected.

(b) When service to a consumer is started, charges as established from time to time by resolution of Council shall be made to such consumer and a deposit as established from time to time by resolution of Council shall be required of him or her.

(c) In the event that the City disconnects any consumer for failure to pay his or her electric bill, the disconnection shall terminate the pre-existing consumer-City relationship. In the event that the person whose service has been disconnected desires to purchase electricity again from the City, he or she shall be treated as a new consumer and subject to all of the fees, charges and deposits provided in this chapter.

(d) For any service after regular working hours, the charges will be based on the time and materials required by the utility personnel to perform the service requested.

1046.08 RECONNECTION OF METERS.

Where a meter has been disconnected for any reason, the consumer who desires the meter to be reconnected shall first comply with all of the requirements of this chapter.

1046.09 HARDSHIP CASES.

If any consumer claims that because of hardship he or she is unable to pay electricity charges as billed, said consumer shall apply for relief from the proper agency and the City shall receive payment from said agency. No electricity shall be furnished to any person free of charge.

1046.10 COLLECTION OF CHARGES.

Charges for electrical service shall constitute a lien on the property or premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. Those charges delinquent for six months or more shall be certified to Council at the regular November meeting of Council, and the lien on the premises served shall be entered on the tax roll. Those amounts so certified as delinquent and approved by Council shall be spread upon the December tax roll for collection. In a case where a tenant is responsible for the payment of the charges and Council is so notified in writing, which notification shall include a true copy of the lease of the affected premises, such charges shall not become a lien against the premises after the date of notification. In the event of filing of the notification, the City shall render no further electrical service to the premises until a cash deposit in a sum fixed pursuant to this chapter is made. (Ord. Unno. Passed 7-10-96.)

1046.11 DELINQUENT FORMER CONSUMERS.

Where a former consumer, who is delinquent in his or her payment of charges to the City, is no longer an electric utility consumer, an earnest effort shall be made, as soon as practical, to collect the delinquency.

1046.12 REPORTS TO COUNCIL.

The City Treasurer shall report to Council not less than annually as to the status of individual delinquent accounts, showing the last date electricity was furnished, the last date of payment and the amount currently due. He or she shall also report such information as he or she has concerning residence, employment and other pertinent data.

1046.13 CLAIMS AGAINST DECEDENTS' AND BANKRUPT CONSUMERS' ESTATES.

Claims for unpaid electricity charges shall be promptly filed against any decedent or bankrupt consumer's estate.

1046.14 THEFT OF SERVICE.

(a) All electricity consumed shall pass through a meter furnished by the City. If any device is attached in such a way as to permit the consumer to receive electricity without passing through the meter, the device shall promptly be confiscated. An effort shall be made as soon as practical to determine the amount of electricity wrongfully taken and the consumer shall be charged therefor.

(b) Whoever violates this section is guilty of a misdemeanor.

1046.15 TAMPERING WITH METERS OR LINES.

(a) No person shall remove, circumvent, bypass, tamper with or interfere with the installation, use, operation or maintenance of an electric meter in the City, nor shall any premises have an outlet, device or any other connection on the conductor between the distribution line and the electric meter enabling electric current to service the premises without passing through the meter.

(b) Whoever violates this section is liable for a civil infraction.

(c) Service to any premises shall be immediately disconnected if any meter is found bypassed, tampered with or illegally connected, and shall not be reconnected until a correct meter and connection is installed and all past due charges, penalties, reconnection fees and deposits are paid in full.

(Ord. Unno. Passed 7-10-96.)

1046.16 REPAIRS AND ALTERATIONS TO SYSTEM.

No person shall make any attachment or connection to the distribution system or make any repairs, additions to or alterations of any fixtures connected with the system, unless the same are in accordance with the National Electrical Code, with this chapter and with the rules and regulations provided for herein. The City reserves the right to refuse service on proof of disregard of such safety regulations. All work performed and additions made shall be subject to inspection by duly authorized agents of the City.

1046.17 PREPARATION AND APPROVAL OF RULES AND REGULATIONS.

The City Manager shall prepare, for approval by Council, rules and regulations for the administration of the electric utility. Said rules and regulations shall establish all charges and procedures incident thereto, including service charges, deposits and rates.

1046.18 ARRANGEMENTS WITH COGENERATION AND SMALL POWER PRODUCTION FACILITIES.

The City hereby undertakes to comply with lawful regulations of the Federal Energy Regulatory Commission, codified in Subpart C of 18 CFR, Part 292 dealing with arrangements with qualifying cogeneration and small power production facilities under Section 210 of the Public Utility Regulatory Policies Act of 1978, as amended.

1046.19 RIGHT OF ENTRY.

A representative of the City Division of Electricity shall have the right to enter, at reasonable times, any premises served by City electrical service for the purpose of inspecting, maintaining, reading, replacing or calibrating the meter. If the owner or occupant of the premises refuses entry, he or she shall be given written notice (notice to one constitutes notice to both) that electrical service shall be shut off and discontinued if entry is not permitted within twenty-four hours of personal service of the notice on the owner or occupant, shall remain shut off during the period of such refusal and shall not be re-established until entry is permitted and all charges, penalties and reconnection fees are paid in full.

(Ord. Unno. Passed 7-10-96.)

1046.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

In addition to the penalty provided in Section 202.99, any electric meter found to have been tampered with or bypassed, having the capability of being circumvented or with an illegal connection present, shall be presumed conclusively to have been in such condition for six months prior to its discovery by the City. The owner of the premises serviced by a meter which has been bypassed or circumvented, or having the capability of being circumvented, shall be assessed and charged an amount double the electric usage of any comparable premises in six months. This charge shall be billed subsequent to discovery of the bypass or circumvention and shall also be recorded as a lien against the premises and certified and spread on the tax rolls. For the purposes of this section, a comparable premises in the case of a dwelling house shall be one with an equal

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number of adults and children, if said information is available; otherwise the average usage for a similar size dwelling should be used. For other types of premises, a comparable premises shall be a similar establishment, i.e. a church, office, store, etc. Any residence or structure found in violation of this section shall be subject to immediate utility disconnect and shall not be reconnected to the utility supply until all bills, penalties, reconnection charges and deposits have been paid.

(Ord. Unno. Passed 7-10-96.)

CHAPTER 1048
Gas

EDITOR'S NOTE: The City contracts from time to time with the Michigan Gas Company for natural gas service. Copies of the latest relevant contract and legislation may be obtained, at cost, from the City Clerk.

There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Utility funds - see CHTR. §§13.5 et seq.

Utility franchises - see CHTR. Art. XV

Gas plants and systems in home rule cities - see M.C.L.A. §§117.4e,
117.4f

Oil and gas generally - see M.C.L.A. §§319.1 et seq., 486.251 et seq.

Utilities in subdivisions - see P. & Z. 1246.02 et seq., 1246.06

Garbage and Rubbish Collection and Disposal

TITLE SIX - Other Public Services

Chap. 1060. Garbage and Rubbish Collection and Disposal.

Chap. 1062. Negaunee Cemetery.

Chap. 1064. Teal Lake.

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

1060.01	Definitions.	1060.05	Collection practices.
1060.02	Collection and disposal by City or by contractor.	1060.06	Collection and disposal of yard waste.
1060.03	Interpretation; purpose; promulgation of rules and regulations by City Manager.	1060.07	Collection fees.
		1060.08	Payment of collection fees.
		1060.09	Other rates and charges.
1060.04	Pre-collection practices.	1060.99	Penalty.

CROSS REFERENCES

Garbage and refuse generally - see M.C.L.A. §§46.171 et seq.,
123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. §123.301 et seq.

Garbage and rubbish as nuisance - see GEN. OFF. 674.04(a)

Littering - see GEN. OFF. 682.05; S.U. & P.S. 1064.08

Incinerators - see GEN. OFF. 682.06

Garbage and rubbish in trailer and tourist camps - see B.R. & T. 876.10

Garbage and rubbish in subdivisions - see P. & Z. 1248.02(e)

1060.01 DEFINITIONS.

As used in this chapter:

- (a) "Ashes" means the residue from the burning of wood, coal, coke or other combustible materials.
- (b) "Building materials" means all material resulting from the razing, repair, excavation or construction of buildings or structures, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in the construction of a structure.

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- (c) "City" means the City of Negaunee.
- (d) "Container" means a can, bag or other receptacle made of metal, plastic or such other substance approved by the City Manager.
- (e) "Contractor" means the contractor hired by the City to collect refuse.
- (f) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (g) "Hazardous waste" means dangerous materials or substances, such as poisons, acids, caustics, infected materials, explosives and other materials not suitable for a Class I landfill.
- (h) "Junk" means parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances, furniture or other cast-off material of any kind, except building material, refuse and yard waste.
- (i) "Landfill" means the Marquette County Landfill operated by the Marquette County Solid Waste Authority, as well as any transfer station operated by any of the political subdivisions of Marquette County, Michigan.
- (j) "Living unit" means any single-family dwelling and each single-family unit in a multiple dwelling.
- (k) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (l) "Refuse" means all of the following: kitchen wastes, including cans, bottles, household food, accumulations of animal food and vegetable matter attendant to the preparation, use, cooking and serving of food; general household trash, including ashes, empty cartons, crates, boxes, wrapping materials, newspapers, magazines, cloth materials, empty cans, discarded types and similar materials; and all miscellaneous debris, except building materials, junk, hazardous waste and yard waste.
- (m) "Rubbish" means any useless waste or rejected matter, unspoilable, and not identified as garbage, consisting of both combustible and noncombustible materials such as paper, cardboard, leaves, tree trimmings, concrete, crockery, metal, building materials, furniture, appliances, bedding and similar materials.
- (n) "Solid waste" means building materials, garbage, hazardous waste, junk, refuse, rubbish and yard waste.
- (o) "Yard clippings" shall be consistent with and as defined in Act 264 of the Public Acts of 1990, as amended, which states that "yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.
- (p) "Yard waste" means grass clippings, weeds, bushes, brush clippings and branch clippings.

1060.02 COLLECTION AND DISPOSAL BY CITY OR BY CONTRACTOR.

(a) The collection, conveyance and disposal of certain solid waste generated in the City shall be performed by the City or by a contractor under contract with the City, in conformance with this chapter, and all other applicable laws, rules and regulations.

(b) Subsection (a) hereof shall not prohibit the actual producers of solid waste, or the owners of premises upon which solid waste has accumulated, from personally collecting, conveying and disposing of such solid waste, provided that such producers or owners comply with the provisions of this chapter and with any other governing laws, ordinances, rules and regulations.

(c) Subsection (a) hereof shall not be construed to prohibit collectors of solid waste from outside the City from conveying such solid waste over City streets, provided that such collectors comply with the provisions of this chapter and with any other governing laws, ordinances, rules and regulations.

1060.03 INTERPRETATION; PURPOSE; PROMULGATION OF RULES AND REGULATIONS BY CITY MANAGER.

It is the intent of Council that this chapter shall be liberally construed for the purpose of providing a sanitary and satisfactory method for the collection, conveyance and disposal of solid waste. To that end, the City Manager is authorized to make and implement such rules and regulations as from time to time are necessary to carry out this intent, provided, however, that such rules and regulations may not conflict with this chapter or with any other applicable laws, ordinances, rules and regulations, and provided, further, that such rules and regulations shall be subject to the approval of Council. Any person aggrieved by a rule or regulation implemented by the City Manager shall have the right to appeal to Council, which shall have the authority to confirm, waive, revoke or modify any such rule or regulation.

1060.04 PRE-COLLECTION PRACTICES.

(a) Containers.

- (1) Containers may be cans or bags made of metal or plastic and shall have a capacity of not more than fifty gallons.
- (2) Cans shall be equipped with suitable handles and tight fitting covers, shall be watertight and shall not have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof.
- (3) Cans shall be of a type approved by the City Manager and shall be kept in a clean, neat and sanitary condition at all times.

- (4) Containers shall be provided by the owner, tenant, lessee or occupant of a premises.
- (5) Any container that does not conform to the provisions of this chapter shall be promptly replaced.

(b) Preparation of Solid Waste.

- (1) All garbage, before being placed in a container for collection, shall have drained from it all free liquids and may be wrapped in paper.
- (2) All refuse shall be drained of liquid before being placed in a container for collection.
- (3) All cans and bottles which have contained food shall be thoroughly rinsed and drained before being placed in a container for collection or recycling.

(c) Points of Collection. Containers shall be placed on or near the curb or traveled roadway line of a street or alley adjoining the premises served, so as to be readily accessible to the collection crew on collection day. If containers are not so placed before the collection crew arrives at the premises being served, the contents of such containers will not be collected until the next regularly scheduled collection time.

(d) Storage of Solid Waste.

- (1) No person shall place any solid waste in any street, alley or other public place, or upon any private property, whether owned by such person or not, within the City except in proper containers for collection, or with the express approval of the City Manager, nor shall any person place or deposit any solid waste in any river, stream or other body of water.
- (2) Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste shall be deemed a violation of this chapter.

1060.05 COLLECTION PRACTICES.

(a) Schedule for Collection. The City Manager shall establish a schedule for the collection of garbage and refuse.

- (1) Garbage and refuse accumulated in residential areas shall be collected at least once each week, when possible.
- (2) Hotels, restaurants and such other commercial businesses and institutions as deem it necessary may enter into an agreement for more frequent collection of garbage and refuse.
- (3) Where necessary to protect the public health and safety, the City Manager shall have the authority to require that collections of garbage and refuse be made more frequently than weekly for particular residential premises or commercial businesses or institutions.

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(b) Use of Garbage Bags and Cans. When placed for collection pursuant to Section 1060.04(c), garbage and refuse shall be in standard garbage bags with a capacity of not more than fifty gallons. Said bags shall be placed in standard garbage cans on days of noncollection, but may be removed from cans and sealed immediately before being placed for collection.

(c) Responsibility for Disposal.

- (1) The owners and occupants of any premises within the City shall be responsible for the sanitary condition of such premises, and no person shall place or deposit or allow to be placed or deposited, or accumulate or allow to be accumulated, on his or her premises, any solid waste except as authorized by the terms of this chapter or any other applicable ordinances, laws, rules or regulations.
- (2) No person shall deposit, place or leave any solid waste on the premises of another person, and no person shall bury solid waste anywhere in the City.
- (3) Any person generating or disposing of solid waste not covered by this chapter shall make arrangements for the collection and disposal of such solid waste and shall comply in all respects with the terms of this chapter and all other applicable laws, rules and regulations.
- (4) A person generating building materials shall be responsible for the proper and lawful disposal of such building materials. Such building materials may be disposed of at the Landfill through the City only if such building materials were generated within the corporate limits of the City. No contractors, commercial or industrial agents or concerns, nonresidents, or residents not working on a building or dwelling within the City, shall dispose of building materials at the Landfill through the City.
- (5) A mandatory yard waste recycling/composting program is hereby established in the City. Yard waste shall be disposed of pursuant to the rules and regulations for such program established by the City pursuant to Section 1060.03. Yard waste is not eligible for regular collection as refuse.
- (6) All garbage, refuse, rubbish, junk, hazardous waste and building materials which accumulate on any premises and are not disposed of pursuant to this chapter shall be deemed to be a nuisance and shall be subject to the requirements and penalties of Chapter 674 of the General Offenses Code.

- (7) Hazardous waste materials shall not be collected by the City or its duly authorized contractor. The owner, occupant or person in charge of any premises which generate or have custody of any hazardous waste materials shall be solely responsible for the lawful disposal of such materials in accordance with this chapter and all other applicable laws, rules and regulations.
- (8) Containers that are broken or rotted or otherwise fail to meet the requirements of this chapter may be claimed and disposed of as refuse by the City or its duly authorized collection contractor. After notice to the person responsible for such a container, collection from that container may be refused by the City or its duly authorized collection contractor.

(d) Limitation on Quantity. In the promulgation of rules and regulations pursuant to Section 1060.03, the City Manager shall direct the collection of a reasonable quantity of refuse and garbage from hotels, restaurants and other businesses and institutions during a collection period. In the promulgation of such rules and regulations, the City Manager shall have the authority to determine what amounts of refuse and garbage shall be considered reasonable and to refuse to collect amounts determined by the City Manager to be unreasonable.

(e) Collection and Conveyance by Actual Producers and Outside Collectors.

- (1) Requirements for Vehicles. The actual producers of garbage and refuse, or the owners of premises upon which garbage and refuse are accumulated, who desire personally to collect, convey and dispose of such garbage and refuse, and collectors of garbage and refuse from outside the City who desire to convey such garbage and refuse over the streets of the City, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors seeping therefrom and to prevent the contents of such vehicles from being blown, dropped or spilled therefrom.
- (2) Disposal. Disposal of solid waste by persons pursuant to paragraph (e)(1) hereof shall be made outside the City limits, unless otherwise specifically authorized by the City Manager.

1060.06 COLLECTION AND DISPOSAL OF YARD WASTE.

(a) Purpose. The purpose of this section is to prohibit the improper collection and disposal of yard clippings that are generated on land that is within the corporate jurisdiction of the City and to provide a penalty for those owners of land or solid waste haulers who collect yard clippings generated on land located within the City, except City employees in the performance of City-related duties and except others permitted by the City for City purposes.

(b) Prohibitions.

- (1) No person shall dispose of within the City, yard clippings that are not generated on land located within the City.
- (2) No person shall collect for disposal any yard clippings that are generated on land located within the City, except for disposal as provided for herein.

(c) Disposal. All yard clippings shall be disposed of by placing the same into a compost pile. The City Manager shall cause a sign to be erected at the entrance of the City's compost pile describing the hours of operation. Information regarding the hours of operation shall also be maintained at the City Clerk's office.

(d) Interpretation; Conflicts. This section is to be interpreted in conjunction with all other applicable laws. Whenever any provision of this section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this section shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed by this section, then the provisions of such other law or ordinance shall govern.

1060.07 COLLECTION FEES.

(a) Solid waste shall be picked up and collected pursuant to the provisions of this chapter, subject to payment based on a fee schedule enacted, from time to time, by resolution of Council.

(b) All solid waste collection charges shall be billed by the City Utility Billing Office through its usual billing procedure, unless otherwise directed by rules and regulations promulgated by the City Manager pursuant to Section 1060.03.

(c) Special collection charges shall be levied on a time, equipment, labor and tipping fee basis whenever the City is required to clean up a premises pursuant to Chapter 674 of the General Offenses Code.

1060.08 PAYMENT OF COLLECTION FEES.

(a) All bills for solid waste collection and disposal services must be paid within thirty days from the date of the bill. Any bill not so paid on a timely basis will be subject to the addition of a penalty of one and one-half percent per month of the total amount payable.

(b) Charges for solid waste collection and disposal are hereby made a lien on the premises served, and liens for delinquent charges may be recorded against the property with the office of the County Register of Deeds. If payment is not made within six months of the beginning of the delinquency, the same shall be certified to Council at the regular November meeting of the Council and the amounts so certified and approved by Council shall be spread upon the December tax roll for collection. This procedure shall not apply if a lease has been legally executed, containing a provision that the lessor shall not be liable for payment of solid waste collection and disposal bills accruing subsequent to the filing of the written notice and a copy of the signed lease provided by this section. A written notice with respect to the execution of a lease containing this provision shall be filed with the board, commission or other official in charge of the solid waste collection and disposal system, and twenty days notice shall be given by the lessor of any cancellation, change in or termination of the lease. The written notice shall contain a notation of the expiration date of the lease.

(Ord. Unno. Passed 7-10-96.)

1060.09 OTHER RATES AND CHARGES.

Other rates and charges may, from time to time, be established by resolution of Council.

1060.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Negaunee Cemetery

CHAPTER 1062
Negaunee Cemetery

1062.01	Definitions.	1062.15	Disinterment and removal.
1062.02	Prohibited conduct generally.	1062.16	Exceptions.
1062.03	Misuse of grounds.	1062.17	Use of receiving vaults.
1062.04	Liability of City.	1062.18	Purchases, transfers or assignments.
1062.05	Traffic control.		
1062.06	Hours.	1062.19	Purchase of lots, niches, crypts and graves.
1062.07	Lot planting, decorating and improvements.	1062.20	Transfer or assignment of lots.
1062.08	Monuments; corner posts.		
1062.09	Markers.	1062.21	Use of concrete rough boxes or vaults.
1062.10	Monument and marker materials.	1062.22	Rates and charges.
1062.11	Foundations.	1062.23	Perpetual Care Fund.
1062.12	Funerals.	1062.24	Violations.
1062.13	Interment.	1062.99	Penalty.
1062.14	Responsibility of City; opening of graves; delivery of materials; completion of interment.		

CROSS REFERENCES

Municipal cemeteries - see Mich. Const. Art. 7, §123; M.C.L.A. §§128.1 et seq.
Authority of City re cemeteries - see M.C.L.A. §117.4f
Vacation of cemeteries - see M.C.L.A. §§128.51 et seq.
Operation of snowmobile in cemetery - see TRAF. 410.05(UTC §10.39(2)(d))

1062.01 DEFINITIONS.

As used in this chapter:

- (a) "Lot" means a parcel of land for the burial of one or more persons.
- (b) "Marker" means a singular stone of granite or marble, or a bronze plaque, with the name of the individual identification appearing thereon.
- (c) "Monument" means a memorial consisting of granite or marble bearing the name or names of a family or families, consisting of a base and the upper portion or main section known as a die.

1062.02 PROHIBITED CONDUCT GENERALLY.

(a) Visitors to the Cemetery are reminded that the grounds are sacredly devoted to the interment of the dead, and that strict observance of the decorum which should characterize the place will be required.

- (b) No person shall:
 - (1) Enter the Cemetery except through an established entrance.
 - (2) Deposit rubbish or debris on a walk or drive or on any part of the Cemetery grounds.
 - (3) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material, or remove the same from the grounds.
 - (4) Kill, wound or trap any bird, fish or animal, or feed or otherwise disturb them, or remove the eggs of any bird from the Cemetery grounds. This provision shall not apply to authorized City officials for purposes of protecting Cemetery grounds.
 - (5) Permit any domestic animals to enter or remain in the Cemetery.
 - (6) Consume refreshments or liquors on the Cemetery grounds, or carry the same on the premises.
 - (7) Use any form of advertising on the Cemetery premises.
 - (8) Carry or discharge firearms upon the premises, except when authorized to do so at a military burial service.
 - (9) Deface, mutilate or otherwise injure or commit damage to any monument, enclosure or burial lot owned by others.
 - (10) Peddle or solicit for flowers, plants or monuments within the Cemetery grounds.
 - (11) Erect signs, notices or advertisements of any kind within the Cemetery grounds, unless authorized by City authorities.

1062.03 MISUSE OF GROUNDS.

No person shall run at will through the Cemetery grounds without a legitimate purpose therefor or use the same in any way as a playground or for recreational purposes.

1062.04 LIABILITY OF CITY.

The City shall not be liable for any loss or damage caused by an act of God, the common enemy, thieves, vandals, malicious mischief makers, unavoidable accidents, riots or an order of any military or civil authority, to any lots or structures or objects thereon, or the flowers or articles removed from any lot or grave, nor for any loss or damage or bodily injuries sustained by any person or persons, except as a result of negligence on the part of the City or its employees. All claims against the City must be made in accordance with the provisions of the City Charter relative to the procedure for making claims.

1062.05 TRAFFIC CONTROL.

All traffic laws of the City that are applicable to the operation of vehicles in the Cemetery and not inconsistent herewith shall be strictly observed. Any person driving in the Cemetery, and the owner of the vehicle so driven, shall be liable and responsible for any injury or damage done by the vehicle in the driver's charge. In addition, no person shall:

- (a) Drive a vehicle in excess of fifteen miles per hour on any Cemetery road.
- (b) Drive off the established roads unless permission to do so is given by the Sexton.
- (c) Use a Cemetery road as a public thoroughfare.
- (d) Park or allow an automobile to come to a full stop in front of an open grave unless such automobile is attending a funeral.
- (e) Drive all-terrain vehicles or snowmobiles within the Cemetery grounds, except on official business.
- (f) Make any unnecessary noise, such as loud talking, yelling or blowing of horns, whistles and the like.
- (g) Cause any vehicle to be within the Cemetery grounds, except during the hours established for the Cemetery grounds to be open.

1062.06 HOURS.

The entrances of the Cemetery shall be open from 8:00 a.m. to one-half hour after sunset, and no person shall be permitted to enter the Cemetery grounds other than during such hours, except by special permission of the Sexton.

1062.07 LOT PLANTING, DECORATING AND IMPROVEMENTS.

To create and preserve the maximum beauty of the entire Cemetery, the following rules shall be observed:

- (a) The City reserves to itself the sole right to plant and maintain all permanent plantings within the Cemetery. Lot owners desiring special permanent plantings on their lots, if in the sections permitting monuments, may make their request to the Sexton, who may permit such planting to be done at the lot owner's expense, and such planting shall immediately become the property of the Cemetery. All plantings so installed shall be in conformance with a prepared and approved plan and subject to the satisfaction and approval of the Sexton.

Lot owners desiring re-seeding or re-sodding of lots must furnish all materials, including seed, sod and fertilizer, and must pay for all labor and special equipment used for such work. The City's responsibility for the successful maturing of such sod and/or seed shall cease upon installation of such materials. Watering shall be the responsibility of the owner.

- (b) Seasonal and perennial plants will be limited to the width of the monument (or markers, if there is no family monument) and will not exceed ten inches in depth. Permanent urns will not be permitted. Failure to maintain urns presently installed will be cause for removal thereof.
- (c) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn. Flush marker areas of the Cemetery are restricted to floral displays that can be moved to facilitate lawn mowing and to receptacles that are recessed flush to the ground and which may be moved for mowing purposes.
- (d) Winter decorations may be maintained on graves until May 1, at which time they may be removed by Cemetery employees. Rubbish, refuse and unused containers shall not be left on lots, but shall be placed at the edge of the nearest accessible road. The City reserves the right to remove all floral designs, flowers, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in the judgment of the Sexton or his or her assistants, they become unsightly, dangerous, detrimental or diseased or when they do not conform to established standards.

1062.08 MONUMENTS; CORNER POSTS.

- (a) Monuments shall be designed with reference to the topography and location of the monument to the surrounding area. No more than one monument shall be erected on a lot platted for less than two graves. Monuments erected on two grave lots shall not exceed thirty-eight inches in length or fourteen inches in width, and those erected on three grave lots shall not exceed forty-six inches in length or fourteen inches in width. On lots of four graves or more, the area of the base of any monument shall not occupy more than six percent of the lot area.

(b) Except where otherwise permitted at the time of the sale of a lot, no monument shall be placed upon any lot unless such lot has been paid for in full.

(c) No corner post shall be permitted unless it is flush with the surface of the ground.

1062.09 MARKERS.

Single nonflush markers shall consist of one piece and shall not be less than fourteen inches nor more than twenty-four inches in length, nor less than eight inches nor more than twelve inches in width. Upright markers shall not exceed sixteen inches in height.

1062.10 MONUMENT AND MARKER MATERIALS.

(a) No material except granite, a good grade of white marble, cut stone from recognized monument quarries, or standard bronze, shall be used for markers or monuments. Bronze may be used for markers extending above the grade only if attached to a granite base. The use of two or more kinds of materials varying in color or texture shall not be permitted on any one lot. No materials except granite or standard bronze shall be used for flush markers.

(b) Duplication of markers as to materials, size and finish is permitted. But unless such duplication is made, only flush markers may be installed, which shall conform in width and length to the marker to be replaced.

1062.11 FOUNDATIONS.

(a) All monuments and markers shall be placed on foundations of solid masonry of not less in width and length than the base of the monument or marker to be installed thereon, and at a depth of not less than five feet or as deep as possible thereunder.

(b) Foundations for upright markers or monuments will be left no more than two inches below the grade of the lot, and shall have at the top thereof a collar extending outward from the top of the foundation four inches bordering the entire top of the foundation.

(c) All materials used in the construction of any foundation, monument or headstone must be inspected by the Sexton. All construction and installation relative to foundation, headstones or monuments must be performed during the regular City working hours, and all such construction and installation must be performed under the supervision of the Sexton.

1062.12 FUNERALS.

The Sexton, or one of his or her assistants, is expected to attend every interment and to see that the rules, regulations and strict proprieties of the place are observed. No burials shall be made on Sundays and legal holidays, except by order of the County Health Officer. No interment equipment, except that provided or approved by the City, shall be used. Workmen engaged in the vicinity of a burial shall suspend their labors during services at the grave.

1062.13 INTERMENT.

No interment shall take place without a burial permit, nor until all laws, codes, rules and regulations relative to burials have been complied with. The City shall not be liable for such burial permit or responsible for the accuracy of the data contained therein, or for the identity of the person to be interred or entombed. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or unless the funeral director assumes the responsibility of payment for such grave space. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or his or her agent. If the deceased to be interred is not the owner or is not a member of the owner's immediate family, written consent of the owner, owners or authorized agent must be filed with the City Clerk before interment may be permitted.

1062.14 RESPONSIBILITY OF CITY; OPENING OF GRAVES; DELIVERY OF MATERIALS; COMPLETION OF INTERMENT.

The City or its agents or employees shall not be held responsible for errors in the location of graves on lots, arising from improper instructions by lot owners. Orders from funeral directors shall be construed as orders from lot owners. Under no circumstances shall the City assume responsibility for errors in opening graves when orders are given by telephone. No graves shall be opened except by workmen employed by the Cemetery management. No vaults or other materials shall be delivered to the Cemetery on Sundays or City observed legal holidays, except by order of the County Health Officer. Funeral directors shall arrange the time of a funeral so that Cemetery workmen can complete interment by 3:00 p.m., except in cases of emergency.

1062.15 DISINTERMENT AND REMOVAL.

(a) Disinterment and removal of a body shall not be made without a disinterment permit, notice in writing to the Sexton, and the permission in writing of the lot owner and next of kin of the deceased. Graves shall not be opened for inspection, except for official investigation by proper legal proceedings.

(b) After the close of any funeral service at the grave and after the placing of a body in the receiving vault, it shall not be permissible for anyone to open the casket or to touch the body therein without the consent in writing of the legal representative of the deceased or a court order for that purpose.

(c) The City shall exercise due care in making a disinterment and/or removal, but it shall assume no liability for any damage to any casket or burial case incurred in making the disinterment and/or removal.

1062.16 EXCEPTIONS.

None of the provisions of this chapter are intended to violate any burial customs of any religious organization, and where any contradictions exist, exceptions to this chapter shall be permitted by the City Manager if they are not in violation of any codes, health regulations or laws.

1062.17 USE OF RECEIVING VAULTS.

Receiving vaults are for temporary use only and on a rental basis to nonresidents of the City and under no circumstances shall a body be considered as interred or buried by reason of being placed therein. However, the same permits must be procured for placing bodies in the receiving vaults as for burials, and the burial order will be issued the same as for immediate interment in a grave. A deposit sufficient to cover the cost of opening and closing a grave, and purchase of a single grave plus a rental charge for use of the receiving vault by nonresidents of the City, shall be required at the time of placing the remains in the vault. Upon failure to make suitable arrangements for the final disposition of the remains, within a reasonable time, or upon failure to pay rental when required, the City may, in its discretion, remove the body and inter it in a single grave, after first having mailed a certified letter, return receipt requested, to the last known address of the person who made the placement, stating its intention of making said removal, and shall then retain said deposit as liquidated damages.

In extremely cold weather or after a heavy snow, all bodies will be placed in the receiving vault and retained there until the Cemetery management can make suitable arrangements for burial, and arrangements must be made for their removal at as early a date as possible thereafter. From May to November, bodies will be placed in the receiving vault only on special written order from the Sexton, and, if they are to remain for over three days, must be enclosed in hermetically sealed boxes as approved by the County Health Officer.

The remains of any person who has died of an infectious and/or contagious disease shall not be allowed to be deposited in the receiving vault, except on a special permit from the County Health Officer stating that the rules and regulations of the Department of Health regarding such cases have been complied with.

Under no circumstances shall visitors be admitted to the vaults.

1062.18 PURCHASES, TRANSFERS OR ASSIGNMENTS.

(a) All lots shall be sold subject to the provisions of this chapter, or those hereafter adopted, and the muniment of title shall so state. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. Interment of the remains of any person other than the owner of a lot or any member of the immediate family will be permitted only after written consent by the owner, owners or authorized agent has been filed with the City Clerk. In the case of a minor, the guardian or authorized agent thereof shall give such consent upon proof of authority to act. Burial lots are exempt from ordinary taxes and cannot be seized on execution. The City may impose specific charges against lots.

(b) No deceased paupers or indigents buried at public expense shall be buried in any lot unless such paupers or indigents shall be residents of the City, Negaunee Township or Richmond Township, or unless such paupers or indigents or their families shall own a lot in the Negaunee Cemetery, in which the said indigents or paupers can be buried.

(c) The interment of any body on the lot owned by someone other than the deceased, for remuneration, is hereby prohibited.

1062.19 PURCHASE OF LOTS, NICHES, CRYPTS AND GRAVES.

All arrangements for the purchase of lots, niches, crypts and graves must be made at the Cemetery office, and when the full purchase price has been paid to the City Treasurer, the purchaser will receive an exclusive license and privilege of burial in such form as the City may approve, and will be issued a certificate of ownership. Lots, niches, crypts and grounds shall be sold at prices fixed by Council.

1062.20 TRANSFER OR ASSIGNMENT OF LOTS.

(a) A transfer or assignment of any lot, or of an interest therein, may only be made to the City, by the surrender of the certificate of burial rights, with the assignment, duly executed, attached thereto or endorsed thereon. The transferee or assignee, in such case, shall be entitled to be reimbursed only for the amount paid for such lot or interest therein, as shown on the certificate of burial rights. In the event of a transfer or assignment of a portion of any such lot not used for burial purposes, such amount shall be the proportion of such payment as the unused portion of the lot bears to the entire lot. Such transfer or assignment shall thereafter be recorded on the books of the Cemetery, and if only a portion of a lot is so transferred or assigned, a new certificate shall be issued to the owner of the lot for the portion of the lot retained. If any indebtedness remains on any such lot due the City from the owner at the time of such transfer or assignment, such indebtedness shall first be deducted from the amount of the payment to the owner for the transfer or assignment.

(b) Upon such transfer or assignment, such lot or interest therein shall become the sole property of the City and subject to resale by it to others at such price therefor as may be deemed equitable, consistent with current schedules of rates and charges therefor.

(c) Prices may be revised at any time by Council as conditions require.

1062.21 USE OF CONCRETE ROUGH BOXES OR VAULTS.

The use of concrete rough boxes or vaults shall be compulsory for all burials requiring a five-foot or larger opening. These boxes shall be constructed of concrete of proper mix and properly reinforced to withstand a minimum compressive force of 4,500 pounds per square inch.

1062.22 RATES AND CHARGES.

Rates and charges for the operation and use of the Negaunee Cemetery shall be as established from time to time by resolution of Council.

1062.23 PERPETUAL CARE FUND.

A Perpetual Care Fund shall be established for the sale of lots. Twenty percent of the effective sale price of each lot shall be placed in such Fund.

1062.24 VIOLATIONS.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor.

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Teal Lake

CHAPTER 1064
Teal Lake

1064.01	Definitions.	1064.08	Litter.
1064.02	Purpose and intent.	1064.09	Nonelectric motors prohibited on Lake.
1064.03	Use of absolute control area.		
1064.04	Limited control area.	1064.10	Launching of nonelectric watercraft from public property prohibited.
1064.05	Permissible activities in the absolute control area.		
1064.06	Permissible activities in the limited control area.	1064.11	Promulgation of Rules for Use of Beach Area
1064.07	Construction within the absolute control area.	1064.99	Penalty.

CROSS REFERENCES

Recreation Department - see CHTR. §18.7
Municipal navigational facilities - see M.C.L.A. §§281.541 et seq.
Marine Safety Act - see M.C.L.A. §§281.1002 et seq.
Recreation Commission - see ADM. Ch. 288
Garbage and rubbish as a nuisance - see GEN. OFF. 674.04(a)
Protection of water supply - see S.U. & P.S. 1044.05
Setback requirements - see P. & Z. 1272.01(b), 1274.06, 1276.03

1064.01 DEFINITIONS.

All terms used in this chapter shall have their ordinary meaning unless otherwise specified. As used in this chapter:

- (a) "Absolute control area" means that area designated in this chapter, or subsequently designated by resolution of Council, in which there is located the water intake or other facilities related to the City water supply system.
- (b) "Enclosure" means a shanty, windbreak, fishing house, tent or other enclosure or shield of any kind.
- (c) "Limited control area" means all portions of the waters of Teal Lake not designated as being within the absolute control area.

1064.02 PURPOSE AND INTENT.

The waters of Teal Lake have been used as a water supply for the residents of the City for drinking and other human consumption. Although the City is now supplied with water from underground sources through the Negaunee - Ishpeming Water Authority, it is the purpose and policy of the City to retain the capability of resuming the use of Teal Lake as its water supply in the event of emergency or other unusual circumstances. It is the intention of this chapter to ensure the continued purity of the waters of Teal Lake for said purposes.

1064.03 USE OF ABSOLUTE CONTROL AREA.

That portion of Teal Lake lying within a radius of 300 feet from the westerly end of the Negaunee water system intake pipe shall be an absolute control area and may not be used by any person for any purpose except to row, paddle or sail a boat or other watercraft over said area for the purpose of gaining access to a limited control area or to the shoreline, without first securing a written permit therefor from the City Manager or his or her designated representative. The City Manager shall, in the spring of each year, cause a marker buoy to be installed over the end of said water supply intake pipe.

1064.04 LIMITED CONTROL AREA.

That portion of Teal Lake not designated as an absolute control area in Section 1064.03 is hereby designated to be a limited control area.

1064.05 PERMISSIBLE ACTIVITIES IN THE ABSOLUTE CONTROL AREA.

Prior to issuing a permit for any kind of use within an absolute control area, the City Manager or his or her designated representative shall first ascertain that the intended use shall not, in any way, endanger the continued purity of the waters of Teal Lake. The City Manager or his or her designated representative may issue a permit for the use of an absolute control area for the following purposes:

- (a) Treatment or repair of the Municipal water supply system or any part thereof;
- (b) The enforcement of Municipal or State laws by authorized law enforcement agencies;
- (c) Public safety purposes involving activities performed by public safety personnel and authorized law enforcement agencies;
- (d) The trapping and removal of fish or other wildlife from Teal Lake by the Department of Natural Resources or other governmental agencies for fish and wildlife management purposes, as authorized by the State; or
- (e) Such other purposes as, in the opinion of the City Manager or his or her designated representative, are reasonably necessary to assure the maintenance of the purity of the waters of Teal Lake.

1064.06 PERMISSIBLE ACTIVITIES IN THE LIMITED CONTROL AREA.

No person shall use the waters of the limited control area of Teal Lake in any way, except as hereinafter specified:

- (a) Fishing or swimming from the shore or shorelines;
- (b) Winter fishing through the ice;
- (c) Fishing or swimming from a boat propelled by oars, paddles, sails or electric motors; or
- (d) Sailing, canoeing or other pleasure riding in watercraft not propelled by any type of motor, other than an electric motor.

1064.07 CONSTRUCTION WITHIN THE ABSOLUTE CONTROL AREA.

The shoreline within the absolute control area shall not be used for the construction of docks or wharfs, or for the storage or launching of boats or other watercraft, or for the storage or construction of any kind of enclosure or building for any other use, without first obtaining a permit for such use from the City Manager. Before granting such a permit, the City Manager shall make a determination that the proposed use for which the permit is being sought shall not be detrimental to the continued purity of the waters of Teal Lake and shall not conflict with the purpose and intent of this chapter.

1064.08 LITTER.

No litter of any kind shall be placed or left upon the surface and/or the shoreline of Teal Lake.

1064.09 NONELECTRIC MOTORS PROHIBITED ON LAKE.

No watercraft, vehicle or machine of any kind, having or containing a motor or engine of any kind, other than an electric motor or engine, shall be used in or upon the waters of Teal Lake.

1064.10 LAUNCHING OF NONELECTRIC WATERCRAFT FROM PUBLIC PROPERTY PROHIBITED.

No person shall launch into Teal Lake from public property any watercraft, vehicle or machine of any kind, having or containing a motor or engine of any kind, other than an electric motor or engine.

1064.11 PROMULGATION OF RULES FOR USE OF BEACH AREA

The City's Recreation and Parks Commission shall promulgate Rules governing the use of the beach and waterfront in the Limited Control Area, which shall be approved annually by the City Council at, or prior to, its April Regular Meeting. Once the rules are approved by City Council resolution, they shall be publicly posted at the entrance to the Limited Control Area and copies shall be maintained and made available to the public by the City Clerk. Any violation of these rules shall be considered a civil infraction.

1064.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

April 2004

BEACH/PARK USE POLICY

The following rules shall apply to the use of the Teal Lake beach and park area. The rules apply to both the designated swimming area (beach) and the non-designated swimming area of the park unless otherwise stated.

- a) No operation of motorized vehicles in the park/beach area.
- b) Alcoholic beverages shall not be consumed in the park/beach area.
- c) Watercraft may be launched only at a designated launch site.
- d) Swimming in the designated swimming area and beach shall be limited to the months of May to September and times of 7:00am to 12:00am.
- e) No swimming or wading in the designated boat mooring area unless directly related to the mooring or launching of watercraft.
- f) Motor vehicle parking for use of the park/beach area shall be as designated and directed from time to time through traffic orders as requested by the council.
- g) The City Recreation Commission shall review and authorize special recreational uses of this park/beach, such as organized group swimming lessons, beach volleyball, etc.
- h) No structures, equipment, materials, vehicles, or boats may be stored or left overnight in the park/beach area.
- i) No pets or domestic animals shall be permitted in the park/beach area.
- j) No overnight camping.
- k) Bicycles shall not be used in the park/beach area, but may be operated in the boulevard and parked in designated areas or stand.
- l) No glass containers shall be possessed or used in the beach area.
- m) Organized groups shall request prior Council approval between January 1 and April 1 of each year for proposed use of the park/beach area for private group activities that use or occupy significant portions of the park/beach area and that may hinder or interfere with the general public use of the park/beach. The council may impose conditions on the proposed use for public health, safety and welfare and maintenance of the park.
- n) Permit requests for use of all or a portion of the park by groups for organized public events shall be submitted to the Council between January 1 and April 1 of each year and the Council may impose conditions on the proposed use for public health, safety and welfare, and maintenance of the park.