

**CITY OF NEGAUNEE  
MARQUETTE COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_\_**

An ordinance to amend and restate Part 10, Title Four – Utilities, Chapter 1040, Sewers, of the Codified Ordinances of the City of Negaunee. All Codes and Ordinances in conflict with these amendments are hereby repealed.

**CHAPTER 1040  
Sewers**

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**CROSS REFERENCES**

Sewers and sewer systems generally – see Mich. Const. Art. 7, §24;  
MCLA §§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 MCLA §§117.4b, 117.4e, 117.4f, 117.35  
Sewers in trailer and tourist camps – see B.R. & T. 876.10  
Sewers in subdivisions – 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.

(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.
- (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.

(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 listed in the Council approved City of Negaunee Fee Schedule.

(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, benzine, 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.

(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 ACCOUNTS, RATES, BILLING, ENFORCEMENT AND SHUT OFF.**

(a) 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.

(b) Rates. Rates to be charged for sewer service furnished by the system are listed in the Council approved City of Negaunee Fee Schedule. These rates 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.

(c) Billing. Cycle billing shall be made for all consumers of wastewater services. All water meters shall be read or estimated within two (2) days before or after the first day of the month, and bills will be generated on a monthly basis thereafter, payable without penalty before or by the Billing Statement due date thereon. Payment received after such period shall be considered delinquent and bear a penalty as listed in the Council approved City of Negaunee Fee Schedule.

(d) Enforcement. 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 (20) day 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.

(e) Shut Off. An account that has not been paid in full by the Billing Statement due date shall be considered delinquent and shall have added to it a penalty in the amount identified in the Council approved City of Negaunee Fee Schedule. Such charges and penalties may be recovered by the City by court action. Once the account is delinquent, the City shall mail a notice of delinquency and shut-off, 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 as of the date reflected on said notice, unless the delinquent portion of the account is paid in full. Before the wastewater services are again turned on after such discontinuance, a reconnection fee established in the Council approved City of Negaunee Fee Schedule shall be paid, and an agreement acceptable to the City, shall be made to pay the account in full.

#### **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.

#### **1040.16 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 (90) 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 consistent the charges listed in the Council approved City of Negaunee Fee Schedule. 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 sole 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 (6) 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 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.