

VILLAGE COUNCIL
VILLAGE OF MESICK
WEXFORD COUNTY, MICHIGAN

Councilmember Clous, supported by Councilmember Besaw, moved for the adoption of the following Ordinance:

ORDINANCE NO. 2015-02

AN ORDINANCE REGULATING THE USE, OPERATION, AND
MAINTENANCE OF THE SANITARY SEWAGE DISPOSAL SYSTEM OF
THE VILLAGE OF MESICK AND AMENDING ORDINANCE NO. 94-02

THE VILLAGE OF MESICK ORDAINS:

ARTICLE I
DEFINITIONS

1.1. Definitions.

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

- (a) Available Public Sanitary Sewer. A public sanitary sewer line located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 250 feet at the nearest point from a structure in which sanitary sewage originates.
- (b) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
- (c) Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of walls of the building and conveys to the Building Sewer, beginning 3 feet outside inner face of the building wall.
- (d) Building sewer. The extension from the building drain to the public sewer or other place of disposal.
- (e) Combined sewer. A sewer receiving both stormwater and sewage.
- (f) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

- (g) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
- (h) Director. The Director of the Village of Mesick of Public Works (DPW) or his/her duly authorized representative.
- (i) Domestic Waste. The waste originating mainly from residential sources.
- (j) Garbage. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (k) Ground Water. The water beneath the surface of the ground, whether or not flowing through known or definite channels.
- (l) Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (m) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source, into the Public Sanitary Sewer System (including holding tank waste discharged into the system).
- (n) Industrial User. A source of Indirect Discharge.
- (o) Industrial Waste. Liquid waste from industrial processes as distinct from domestic waste.
- (p) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the System, its treatment processes or operations, including without limitation, the use or disposal of treated water or the use or disposal of sludge, or (ii) which causes any violation of any requirement of the ground water discharge permit issued for the System.
- (q) MDEQ. The Michigan Department of Environmental Quality or its successor.
- (r) Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- (s) Natural Outlet. Shall mean any outlet into a water-course, pond, ditch, lake or other body of surface or ground water.
- (t) Operation and Maintenance. The satisfactory provision for assuring proper and efficient functioning of the treatment works.

- (u) Person. Any individual, firm, municipality, company, association, society, corporation, partnership, or group, including their officers and employees who have responsibility for or actual involvement in the matters regulated by the chapter.
- (v) Ph. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (w) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (y) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
- (z) Public Sanitary Sewer System or Systems. The Village of Mesick sanitary sewage treatment system, including all collection lines, trunk sewers, interceptors, pump stations, lift stations, manholes, the Wastewater Treatment facility and all appurtenances thereto.
- (aa) Public Sewer. Shall mean a sewer owned and controlled by the Village.
- (bb) Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.
- (cc) Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (dd) Shall is mandatory; May is permissive.
- (ee) Storm sewer or storm drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (ff) Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (gg) Suspended Solids. The total suspended matter that floats on the surface or, is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- (hh) Treatment Facility. The portion of the Public Sanitary Sewer System designed to provide treatment to wastewater including without limitation the lagoons.
- (ii) System. Shall mean the Public Sanitary Sewer System.
- (jj) User. Any person, who contributes, causes or permits the contribution of wastewater into the Village's Public Sanitary Sewer System.
- (kk) User Charge. A charge levied on Users of treatment works for the cost of operation and maintenance of such works.
- (ll) Village. The Village of Mesick, Wexford County, Michigan, or where appropriate, Village Council or other duly authorized official representative of the Village, including limitation, the DPW, its agents and employees.
- (mm) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater or surface water that may be present, whether treated or untreated, which is contributed into or permitted to enter the System.
- (nn) Watercourse. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (oo) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

1.2. Abbreviations.

The following abbreviations shall have the designated meaning.

- (a) BOD - Biochemical Oxygen Demand
- (b) SWDA - Solid Waste Disposal Act. 42 U.S.C. 6901, *et seq.*
- (c) USC - United States Code
- (d) TSS - Total Suspended Solids

**ARTICLE II
USE OF PUBLIC SEWERS REQUIRED**

2.1. Waste Deposits.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste.

2.2. Water Pollution.

It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse, or artificial watercourse, any sewage or other polluted waters other than storm water or uncontaminated industrial waters as defined in this ordinance or to increase an approved use except upon special ordinance or to increase an approved use except upon special agreement or arrangement with the Village in accordance with rules and procedures of appropriate agencies of the State of Michigan.

2.3. Privies and Septic Tanks.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in any area of the Village served by the public sewer system.

2.4. Sewer Connection Required.

The owners of all new houses, buildings or properties used for human occupancy, employment, recreation or other purposes (where liquid wastes are produced), situated within the Village and abutting on any street, alley or other public right-of-way in which there is now located or may in the future be located an available public sanitary sewer of the Village are hereby required, at their expense, to install suitable toilet facilities and connect such facilities directly to the proper public sanitary sewer. Said connection shall be preceded by proper application for and receipt of a sanitary sewer connection permit as required by Section 4.2. The Village may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations and connections. Said connections shall be completed and inspected prior to occupancy.

**ARTICLE III
PRIVATE SEWAGE DISPOSAL**

3.1. Private Sewage Systems.

When a public Sanitary or Combined Sewer is not available under the provision of Section 2.4, the Building Sewer shall be connected to a private sewage disposal system

constructed in compliance with all applicable laws, rules and regulations including, but not limited to, those of the Village.

3.2. Location of System.

Where private sewage disposal systems are constructed they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, sub-surface ground water, or tile drain unless otherwise approved by the Village. All installations shall comply with the existing State Laws and Regulations.

3.3. Discontinuance of System.

(a) If an available Public Sanitary Sewer exists, (as defined in Section 1.1) a property served by a private sewage disposal system and unless established to the contrary, all buildings as described in Section 2.4 shall be required to make proper installation and connection to the available Public Sanitary Sewer when one of the following occurs:

- (1) Failure of an existing private sewage disposal system. Said failure shall be confirmed by either the appropriate Village official or the local Health Department Sanitarian.
- (2) Action by the Village to establish a "date certain" for connections to be made. Said action may be applied to individual buildings or to defined areas or districts.

(b) All connections shall be preceded by a proper application and receipt of a sanitary sewer connection permit as required by Section 4.2.

(c) All component parts of any private sewage disposal system shall be abandoned and filled with suitable material at the owner's expense, in accordance with Village regulations. All filling and demolition of abandoned private sewage disposal systems shall be inspected and approved by designated Village officials.

3.4. Maintenance.

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

3.5. Additional Requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village or other authorities with respect to private sewage disposal.

**ARTICLE IV
BUILDING SEWERS AND CONNECTIONS**

4.1. Connection to Sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Village or from such official as it may designate.

4.2. Permit Required.

All connections with any public sewer shall be made only on written authorization and permits issued by the Village and on such forms and on payment of such fees as shall be established from time to time by the Village.

4.3. Cost of Building Sewer.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the Village from all loss or damage that may directly be occasioned by the installation of the Building Sewer.

4.4. Application - Plans.

(a) All applicants for sewer connection permits shall, when required, submit plans and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the Plumbing Code of the State of Michigan, and all orders, rules and regulations of the Department of Health. The approval of connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains, and sewage treatment plant. When such plans and specifications have been approved by the Village, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.

(b) final approval will be subject to compliance with all applicable laws, rules, regulations, orders and directives.

4.5. Inspections.

(a) The applicant for a sanitary sewer connection permit shall notify the Village when the building sewer is ready for inspection. The Village shall then inspect the building sewer and its connection to the public sewer and if such connection meets the previous requirements as so approved in the construction permit a sewer connection approval shall be issued, subject to the applicable provisions of this ordinance.

(b) Upon final approval of any sewer connection all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent on completion of

installation shall comply with all applicable laws, rules, regulations, orders and directives, including the Village's building codes.

4.6. Building Sewer Maintenance.

The costs of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the Village.

4.7. Connections; How Made.

All connections to existing or new sewers will, at the option of the Village, be made or inspected by the Village. The connection of the building sewer into the Public Sewer shall be made at the "Y" branch, if such branch is available at a suitable location.

4.8. Excavation Precautions.

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

4.9. Separate Connections Required.

Each building connected to any public sewer shall be connected by means of a separate building sewer. The use of multiple building sewers is prohibited.

4.10. Backfill Requirements.

When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in such condition, the Village is authorized by this article to make the necessary repairs and charge the total cost against the person responsible for the same. No backfill shall be placed until the Building Sewer and connection has been inspected and approved by the Village.

4.11. Time Limit on Open Trench.

The person or owner causing any excavation or trench to be made in any public street or thoroughfare in the Village shall be required to backfill and replace the trench as herein provided within a period of three days after work of excavating has been started unless written permission is granted by the Village to allow the trench to be open for a longer period of time. In case of the

three (3) days, the Village shall have the right to cause the same to be refilled and the expense shall be charged against the person, or owner responsible therefor.

4.12. Barricade Requirements.

Every person digging or causing to be dug any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along such trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be dug so as to entirely block any street for travel without the prior written consent of the Village. In case of the failure to properly barricade or light such excavations or trenches, the Village is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening.

4.13. Sewer Connection Requirements.

(a) All sewer connections shall be made with the approved sewer pipe as directed by the Village engineer's standard specifications.

(b) Sewer pipe shall not be less than six inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the Village; the connection shall be made by saddle device approved by the Village. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations, and codes governing plumbing in the Village.

4.14. Sewer Elevation.

Whenever possible the sewer connections shall be brought to the building at an elevation below the basement floor. No sewer connection shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth to invert shall be sufficient to afford protection from frost. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by approved artificial means and discharged to the sewer connection.

**ARTICLE V
USE OF THE PUBLIC SEWERS**

5.1. Unpolluted Water.

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

5.2. Storm Drainage.

Storm Water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village, and in compliance with rules and procedures of various agencies of the State of Michigan. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Village to a storm sewer, or natural outlet. The Village has the right to exclude industrial or commercial waste in whole or in part, for any reason from storm sewers.

5.3. Prohibited Discharges.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of the System as defined in Section 1.1(ii). A User may not contribute the following substances to the System:

- (1) Any wastewater having a temperature which will inhibit biological activity in the treatment facility resulting in Interference, but in no case Wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- (2) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, gas or pollutant which can create a fire or explosion hazard defined as being greater than 20% of the lower explosive limit (LEL) for the substance.
- (3) Any garbage that has not been properly shredded.
- (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rugs, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance causing obstruction to the flow in sewers or other Interference with the proper operation of the sewage works.
- (5) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the System.
- (6) 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, fish or aquatic life, or create any hazard in the receiving waters or in the treatment facility.
- (7) 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 treatment facility.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

- (9) Any waters or wastes having PH less than 5.0 and greater than 11.0.
- (10) Any substance which may cause the Systems' effluent or any other product of the System such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, of State criteria applicable to the sludge management method being used.
- (11) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (12) Any Pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which shall cause Interference to the POTW.
- (13) Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State or Federal Regulations.
- (14) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (15) Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment facility in a quantity that may cause acute worker health and safety problems.
- (16) Any trucked or hauled pollutants.
- (17) Any medical waste.

(b) When the Village determines that a user(s) is contributing to the System, any of the above enumerated substances in such amounts as too interfere with the operation of the System, the Village shall:

- (1) advise the user(s) of the impact of the contribution of the System;
- (2) develop effluent limitation(s) for such user to correct the Interference with the System; and
- (3) set a time limit for compliance with (1) and (2) above.

5.4. Interceptors.

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

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

5.5. Interceptor Maintenance.

Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times and shall be accessible for inspection by Village employees at all reasonable times.

5.6. Non-Complying Discharges.

If any Wastewater or substances are discharged, or are proposed to be discharged to the Public Sewer in violation of Subsection 5.3 of this ordinance, and which in the judgment of the Village may have a deleterious effect upon the System, its processes, its effluent, or the receiving waters, or which might otherwise be hazardous or constitute a public nuisance, the Village may:

- (a) Reject the Wastewater or other substances;
- (b) Require pre-treatment to an acceptable condition for discharge to the Public Sewer.
- (c) Require control over the quantities and rates of discharge into the Public Sewer.
- (d) Require payment to cover the added cost of handling and treating the Wastewater or other substances as provided in this Section.

5.7. Pre-Treatment Facilities.

Where pre-treatment or flow equalizing facilities are provided on a User's premises, they shall be constructed, installed, operated, repaired, and maintained continuously in satisfactory and effective operation, by the owner at the owner's expense.

5.8. Arrangements With Other Municipalities.

Nothing in this ordinance shall prevent any agreement or arrangement between the Village and any municipality whereby Sewage from the other municipality may be accepted in the System for treatment, subject to payment by the municipality.

5.9. Agreements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern.

**ARTICLE VI
USER RATES AND CHARGES FOR
WASTEWATER DISPOSAL SERVICES**

6.1. Rates and Charges.

Rates and charges for sanitary sewer collection and treatment shall be in such amounts as shall be established from time to time by resolution of the Village Council.

**ARTICLE VII
ANNUAL REVIEW**

7.1. Rationale.

It is recognized that use of the System requires payment of costs of providing the services of the System. Such costs include not only the day-to-day operation and maintenance costs, but also the costs incurred to construct and install the System components, the cost to undertake reasonably foreseeable repairs and replacement, etc. When the System components were designed and constructed, they necessarily needed to be sized to accommodate all foreseeably possible usage of the System from a premises and so the System is available to accommodate such reasonably foreseeable usage. Accordingly, certain charges are imposed regardless of actual usage while other charges recognize that those who actually make more use of the System should pay more.

7.2. Review of Rates and Charges.

Annually, prior to the adoption of the Village's next fiscal year budget, there shall be a review by the Village of all rates and charges, including user and connection charges. Upon completion, a report shall be prepared and presented at a meeting of the Village Council of the Village summarizing the review and recommending rates and charges which will assure that the costs of service will be recovered from Users classed proportionately to the cost of providing service to them.

ARTICLE VIII
APPLICATION FOR SEWER SERVICE AND BILLING PROCEDURES

8.1. Application for Service.

A user desiring to obtain sewer service shall sign the required application form which is available at the Village. A signed application must be received before new service will be commenced. In the event sewer service at the premises is to be continuous through a change of ownership in the premises, an application from the new user (owner) must be received prior to the change in ownership. Failure to complete an application may result in discontinuance of service.

8.2. Responsibility for Sewer Service Bills.

The owner of a premises receiving sewer service shall be responsible for the timely payment of the charges for that service, and any unpaid charges shall become a lien on the property in accordance with applicable Michigan law.

8.3. Return of Security Deposits.

The Village shall refund a deposit upon satisfactory payment by the user of all proper charges for sewer service for a period of twelve (12) successive billing quarters. Payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for nonpayment. Users who have established credit by the satisfactory payment of sewer charges at one premises shall not be required to make deposits at a subsequent premises. A user who has been refunded a deposit shall be required to remake a security deposit in the event that user's service is discontinued for nonpayment before service will be reinstated. Upon termination of service, the deposit shall be credited to the final bill, and the balance, if any, shall be promptly returned to the User.

8.4. Sewer Service Bills.

Bills for sewer service shall be rendered monthly and are payable at the office of the Village. The total amount of the sewer charges shall be the "net" amount of the bill.

8.5. Payment of Bills.

Bills shall be due and payable fifteen (15) days from the date of the mailing of the bill. There shall be no discount for early payment.

8.6. Late Payment Penalty.

In the event the bill is not paid by the due date, a ten percent (10%) penalty will be added to the net amount of the bill, and both shall become immediately due and payable. All payments by mail must be postmarked on or before the due date to prevent imposition of the ten percent (10%) penalty. When the due date falls on a legal holiday, Saturday, or Sunday, the net amount will be accepted on the first (1st) business day following. Failure to receive the bill shall not excuse a late payment penalty unless it can be shown from the billing record that the bill was not sent.

8.7. Change of Address.

It shall be the responsibility of the owner and/or User to notify the Village of any change in ownership or billing address.

8.8. Notice of Past due Bill.

If a payment is not received within fifteen (15) days of the due date, a reminder notice will be sent by first class mail to the last known address of the User. The reminder notice shall inform the User that the account is past due and that any questions regarding the bill should be directed to the Village.

8.9. Termination of Sewer Service for Nonpayment.

If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a termination of service notice will be sent by first class mail to inform the User that failure to pay the past due amount, including any penalties, within seven (7) days will result in termination of service. This notice will also inform the User that the User may request a hearing before the Village prior to any termination of service. At the hearing the User will be given an opportunity to show why service should not be terminated. If payment is not received or satisfactory arrangements have not been made or a hearing has not been requested within seven (7) days after the notice is mailed to the User, the sewer service will be discontinued. No sewer service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangement for such payment are made.

8.10. Water Shut-Off.

In addition to other remedies provided, the Village shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of sewer rates when due. If such charges are not paid within thirty (30) days after the due date thereof, then water services to such premises shall be discontinued. Water services so discontinued shall not be restored until such time as all charges and penalties are paid. Water shut-off shall be preceded by adequate notification and an opportunity to request a hearing as provided for in Section 8.9. Notices and hearings under Section 8.9 and 8.10 may be combined.

8.11. Collection of Rates.

The charges and rates for sewer services provided herein which are made a lien on all premises served thereby, unless notice is given as provided by state statute that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for forty-five days, the village, upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises as collected, and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Michigan law no further service shall be rendered such premises until a cash deposit of not less than the estimated bill for three (3) months service shall have been made as security for the payment of such charges and service.

ARTICLE IX PENALTIES

9.1. Civil Penalties.

Any user who violates any order of the Village, or who willfully or negligently, failed to comply with any provisions of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be responsible for a municipal civil infraction and fined a sum not less than \$100 or more than \$25,000 per day per violation. Each day that a violation continues shall constitute a separate offense. Any user violating any provision of this ordinance shall, in addition to any other fines or consequences, reimburse the Village for any costs either or both of them incur to investigate and prosecute that violation, to remedy or repair any damage to the System as a result of such violation, to pay any fines or penalties incurred by either of them as a result of any violation, to better assure such violations or damages do not recur, to compensate any persons injured or too pay for any damage to property (including natural resources) damaged as a result of any violation and for any other costs either of them incurs as a result of any violation. Costs may include without limitation, engineering and consultant fees, sampling and analytical fees, legal fees, personnel costs, costs for replacing System equipment or components, fines or penalties paid to MDEQ or other agency, equipment rental, and other costs. In addition, should it be determined that the Public Sanitary Sewer System or any of the connecting sewer lines or lift stations have incurred damage as a result of nay violation of this ordinance, the Village shall have the right to recover any and all damages from those parties in violation.

9.2. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or who falsifies, tampers with, or knowingly renders inaccurate monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than ninety (90) days, or by both.

9.3. Criminal Penalty.

Any person determined responsible for a municipal civil infraction under Section 9.1 and who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance after such determination shall, upon conviction, be punished for each offense by a fine of not more than \$500.00 and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment. Each day that a violation continues shall constitute a separate offense.

9.4. Public Nuisances Per Se.

A violation of this Ordinance is declared to be a Public Nuisance *per se* for which the Village may avail itself of any remedies available at law or in equity.

9.5. Enforcement.

(a) This ordinance is enforceable by the Village. An official charged with and authorized to enforce this ordinance may issue a citation or an appearance ticket to any Person who is reasonably believed to have violated any of these rules and regulations.

(b) The Village shall exercise its enforcement powers against a violator within any municipality contracting with the Village for service.

(c) A municipality may exercise its enforcement powers against a violator located in territory under its jurisdiction.

(d) Enforcement powers include the power to bring an action in a court of competent jurisdiction to enjoin the violation of this ordinance, to bring an action to recover actual damages sustained due to a violation of this ordinance and to be awarded costs and fees in those actions as provided by law.

9.6. Right of Entry.

The Village for any premises within the System, shall have the right during any reasonable business hours to enter the premises of any User to inspect, observe, measure, sample, and test to assure compliance with this ordinance. Such persons shall provide indemnification upon the request of any property owner or occupant.

ARTICLE X
VALIDITY AND EFFECTIVE DATE

10.1. Severability.

If any provision, paragraph, work, section, subsection or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, works, sections, subsections or article shall not be affected and shall continue in full force and effect.

10.2. Conflict.

In the event of a conflict between this ordinance and any other ordinance, this ordinance shall control.

10.3. Effective Date.

This ordinance shall take effect twenty (20) days after its adoption.

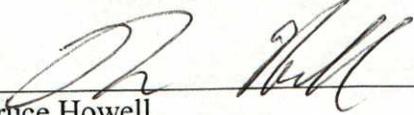
YEAS: Councilmember(s) Howell Clous Besaw Carlzen
Russell Smith

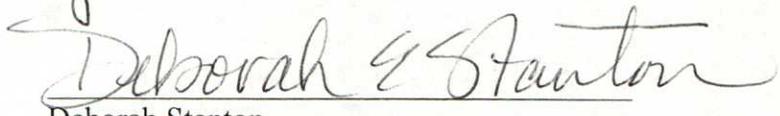
NAYS: Councilmember(s) Ø

ABSTAIN: Councilmember(s) Ø

ABSENT: Councilmember(s) Burroughs

Approved this 14th day of January, 2015.

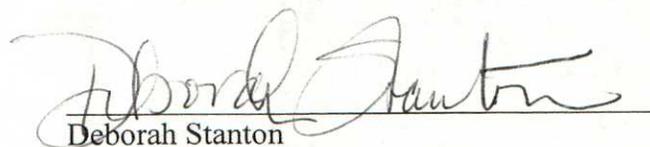

Bruce Howell
Village President


Deborah Stanton
Village Clerk

CERTIFICATION

I, Deborah Stanton, Village Clerk of the Village of Mesick, certify that this ordinance was adopted by the Village Council in a meeting held January 14, 2015.

Dated: January 14, 2015


Deborah Stanton
Village Clerk