

Chapter 28

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ARTICLE I. IN GENERAL**Secs. 28-1—28-30. Reserved.****ARTICLE II. WATER**

DIVISION 1. GENERALLY

Sec. 28-31. Fluoridation of water.

- a) Fluoride shall not be added to public drinking water by the village.
- b) This section is passed pursuant to the provisions of Section 12721 of Public Act No. 368 of 1978 (MCL 333.12721).
(Code 1959, § 25.300)

Secs. 28-32—28-50. Reserved.

DIVISION 2. WATER SERVICE

Sec. 28-51. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Water connection means that part of the water distribution system connecting the water main with the premises served.

Water main means that part of the water distribution system located within easement lines or streets designed to supply more than one water connection.
(Code 1959, § 25.001)

Sec. 28-52. Service connections.

Service connections shall be installed by the department of public works upon payment of the required connection fee and meter installation fee. All meters and water connections shall be the property of the village. Connection fees and meter installation charges shall not be less than the cost of materials, installation and overhead attributable to such installations and a schedule thereof shall be prescribed by council resolution.
(Code 1959, § 25.002)

Sec. 28-53. Turning on water service.

No person, other than an authorized employee of the village, shall turn on or off any water service, except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving a written order from the department of

public works. Provided, that upon written permit from the department of public works, water may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto.

(Code 1959, § 25.003)

Sec. 28-54. Access to meters.

The department of public works shall have the right to shut off the supply of water to any premises where the department of public works is not able to obtain access to the water meter. Any qualified employee of the department of public works shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

(Code 1959, § 25.004)

Sec. 28-55. Reimbursement for damage.

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the village on presentation of a bill therefor; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the village.

(Code 1959, § 25.005)

Sec. 28-56. Meter failure.

If any meter shall fail to register properly, the department of public works shall estimate the consumption on the basis of former consumption and bill accordingly.

(Code 1959, § 25.006)

Sec. 28-57. Inaccurate meters.

A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as currently established or as hereafter adopted by resolution of the village council from time to time. If the meter is found defective, a new meter will be installed and no charge will be made.

(Code 1959, § 25.007)

Sec. 28-58. Hydrant use.

No person, except a firefighter or authorized employee of the village in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the department of public works. Permits for a period not in excess of 15 days may be granted by the department of public works, upon written application

in such form as it shall prescribe and upon payment of the required fees. Permits may be granted only on such terms and fees as the council, by resolution, shall prescribe. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the village. (Code 1959, § 25.008)

Sec. 28-59. Lawn sprinkling.

The superintendent of the department of public works, subject to approval by the president, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until 24 hours after publication of such regulation, limitation or prohibition, either in a newspaper of general circulation in the village or posting in three places within the village. Any person violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 13[11.013] of Chapter 1001 of this Code. (Code 1959, § 25.009)

Sec. 28-60. Additional regulations.

The superintendent of the department of public works may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the council. (Code 1959, § 25.010)

Sec. 28-61. Injury to facilities.

No person, except an employee of the village in the performance of his duties, shall willfully or carelessly damage, destroy, deface or tamper with any structure, appurtenance or equipment which is a part of the village water distribution system. (Code 1959, § 25.011)

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Sec. 28-62. Turning on and off water service.

Any owner or occupant expecting to be absent from the village for one calendar month, or more, may give written notice to the village clerk requesting that water service be discontinued. Discontinuance of service shall be done as soon as reasonably possible after receipt of written notice. Service will be recommended as soon as reasonably possible after notice and request is made for same to the village clerk. The turning off and on of water service shall be done by persons as provided in section 28-53. Notwithstanding anything contained herein to the contrary water service shall not be turned off or turned on unless a fee as currently established or as hereafter adopted by resolution of the village council from time to time is paid to the village clerk for discontinuance of water service and a fee as currently established or as

hereafter adopted by resolution of the village council from time to time is paid to the village clerk for recommence of water service.

(Code 1959, § 25.012)

Secs. 28-63—28-80. Reserved.

DIVISION 3. WATER SERVICE OUTSIDE VILLAGE

Sec. 28-81. Costs and expenses.

The expenses of all materials, engineering and installation costs of extension of water mains shall be borne by the applicants for water service residing outside the village limits.

(Code 1959, § 25.051)

Sec. 28-82. Installation, maintenance and repair of water mains.

All maintenance and repair of said water mains shall be paid for by the applicants using water outside the village limits but the maintenance and installation shall be under the supervision of the village.

(Code 1959, § 25.052)

Sec. 28-83. Water rates.

The users of water in areas outside the village limits of the village shall pay as a water rate an amount 50 percent higher than the water rate for residents of the village.

(Code 1959, § 25.053)

Sec. 28-84. Rejection or approval of applications.

The village reserves the right to reject or approve at its own discretion all applications for the use of said water service outside the village limits.

(Code 1959, § 25.054)

Secs. 28-85—28-100. Reserved.

DIVISION 4. CROSS CONNECTIONS

Sec. 28-101. Cross connection rules adopted.

The Village of Unionville hereby adopts by reference the Water Supply Cross-Connection Rules of the Michigan Department of Environmental, Great Lakes and Energy, being M.A.C. R 325.11401 to R 325.11407.

(Ordinance No. 153-2022, 03-21-2022)

Sec. 28-102. Inspections.

It shall be the duty of the Village of Unionville to cause inspections to be made of all properties, within the Village served by the Village of Unionville public water supply system. The frequency of inspections and reinspections, based on potential health hazards involved shall be as established by the village and as approved by the Michigan Department of Environment, Great Lakes and Energy.

(Ordinance No. 153-2022, 03-21-2022)

Sec. 28-103. Right of access; information.

A representative of the village, bearing proper credentials and identification shall have the right to enter at any reasonable time property served by a connection to the Village of Unionville public water system 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.

(Ordinance No. 153-2022, 03-21-2022)

Sec. 28-104. Discontinuing water service.

The Village of Unionville is hereby authorized and directed to discontinue water service after reasonable notice to any property within Village, wherein any connection in violation of this subchapter exists and to take other measures necessary to eliminate the danger of contamination of the Village of Unionville public water supply system. Water service to the property shall not be restored until the cross-connections have been eliminated in compliance with the provisions of this subchapter.

(Ordinance No. 153-2022, 03-21-2022)

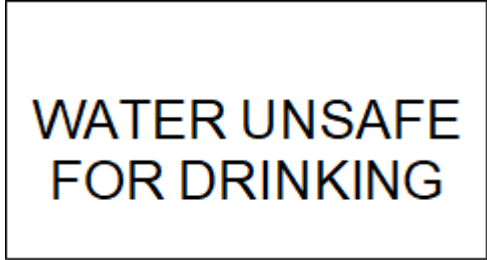
Sec. 28-105. Device Testing

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 or as required by the Village and in accordance with Michigan Department of Environment, Great Lakes and Energy requirements. Only individuals that hold an active ASSE 5110 tester's certification shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

(Ordinance No. 153-2022, 03-21-2022)

Sec. 28-106. Protection of potable water.

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 or Village 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:



Sec. 28-107. Construction of ordinance.

This Ordinance does not supersede the State Plumbing Code, adopted by reference as the Plumbing Code for the Village, or any other ordinances that the Village has adopted, but is supplementary to them.

Sec. 28-108. Penalty

Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to civil fine determined in accordance with the following schedule:

1st Violation within 3-year period *	\$50.00
2nd Violation within 3-year period *	\$125.00
3rd Violation within 3-year period *	\$250.00
4th Violation within 3-year period *	\$400.00

*Determined on the basis of the date of violation(s).

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Village has incurred in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, judicial orders and the payment of the Village legal expenses as authorized under Michigan law. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

Secs. 28-108—28-130. Reserved.

DIVISION 5. RATES

Sec. 28-131. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Premises means each lot or parcel of land, building or premises having any connection to the water distribution system of the village.

(Code 1959, § 25.101)

Sec. 28-132. Basis of charges.

All water service shall be charged for on the basis of water consumed. No free water service shall be furnished to any person.

(Code 1959, § 25.102)

Sec. 28-133. Water rates.

The rates now in effect for water service shall continue until changed by resolution of the village council. Charges for water service shall be payable on or before the 30th day of the month when due, and thereafter a penalty of ten percent of the amount of such charges shall be added to such bill.

(Code 1959, § 25.103)

Sec. 28-134. Service to village.

The village shall pay the same water rates for service to it as would be payable by a private customer for the same service. The village shall pay an annual charge per fire hydrant, the amount of which shall be prescribed by resolution of the village council.

(Code 1959, § 25.104)

Sec. 28-135. Collection.

a) *Billing.*

- (1) The bills printed first of each month shall be due and payable on or before the last day of the billing month from the date thereof, and all bills not paid when due shall be deemed delinquent and a penalty of ten percent in the following month of the amount of such billing shall be added thereto and become due and owing as a part hereof.
- (2) No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.
- (3) Water service billings shall be made along with the sewer service billings, payable on or before the last day of the billing month when due. All charges for water services shall be paid on or before the last day of the billing month. Charges not paid on or after the last date of the billing month shall be subject to penalty charges the following month. Any account not paid within 60 days after the date of the bill shall render the subject premises ineligible for continued service.

b) *Enforcement.*

The department of public works is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and an action of assumpsit may be instituted by the Village against the property owner. The charges for water service, which is under the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.), are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the village council shall, annually, on May Council Meeting certify all unpaid charges for such service furnished to any premises which on April 30 preceding, have remained unpaid for a period of six months, the village treasurer who shall place the same on the next village tax roll. Such charges so assessed shall be collected in the same manner as general village taxes. In cases where the village is properly notified in accordance

with Public Act No. 94 of 1933 (MCL 141.101 et seq.), the property owner is ultimately responsible for utility service to all occupied or vacant property charges. Where the water service to any premises is turned off to enforce the payment of charges, such service shall not be recommenced until all delinquent charges have been paid and there shall be a water turn-on charge as currently established or as hereafter adopted by resolution of the village council from time to time. In any other case were, in the discretion of the village council, delinquent water service charges and the application thereof shall not affect the right of the department of public works to turn off the service to any premises for any delinquency thereby satisfied. (Code 1959, § 25.105)
(Ord. No. 158-2026)

Sec. 28-136. Charges in the case of nonpayment of water rates when due.

There shall be a charge as currently established or as hereafter adopted by resolution of the village council from time to time for the shut-off of water service on the nonpayment of water rates when due, further there shall be a charge as currently established or as hereafter adopted by resolution of the village council from time to time for the turn-on of water service based on a shut-off of the water service on the nonpayment of water rates when due. All charges shall be payable 30 days following date of billing. Charges not paid within 30 days after date of billing shall be subject to a collection charge of ten percent bimonthly that the same remains unpaid following the date thereof. Any account not paid within 60 days after the date of the bill shall render the subject premises ineligible for continued service.

(Code 1959, § 25.106; Res. of 2-18-2002)

Secs. 28-137—28-240. Reserved.

ARTICLE III. SEWERS

DIVISION 1. GENERALLY

Secs. 28-241—28-260. Reserved.

DIVISION 2. SEWER USE REGULATIONS

Sec. 28-261. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefit charge means the amount charged at the time, and in the amount hereinafter provided, to each premises in the village which must connect to the system. The new charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius.

Building drain means the 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 the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other places of disposal.

Commercial user means an establishment listed in the Office of the 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 village, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Debt retirement charge means the charge levied to all users for retirement of bonded indebtedness associated with the system.

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

Governmental user means any federal, state or local government user of the system.

Industrial cost recovery means the recovery from each eligible industrial user of that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.

Industrial user means nongovernmental, nonresidential users of the system that (i) discharge more than the equivalent of 25,000 gallons per day of sanitary waste, (ii) are identified in the Standard Industrial Classification Divisions and (iii) establishments discharging a trade or process waste.

Industrial waste means the wastewater discharges from industrial, trade or business process, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

Institutional user means nongovernmental, noncommercial, nonresidential, nonindustrial users of the system.

Inspector means any person or persons duly authorized by the village council to inspect and approve the installation of sewers.

Normal domestic sewage means a combination of the water carried domestic wastes from residences, business buildings, institutions and industrial establishments, and normal amounts of infiltration. The normal domestic sewage shall be considered to have a loading of 200 mg/l BOD and 250 mg/l suspended solids per capita.

O,M&R charge means the charge levied to all users for operation, maintenance, replacement, and customer related administrative costs associated with the system.

Operation and maintenance costs means all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term

management of the sewage works. Operation and maintenance costs shall include replacement costs.

Public sewer means a sewer in which all owners of abutting properties have equal rights, is controlled by the village, and is located within the public right-of-way or a public easement.

Replacement costs mean expenditures made during the service life of the system to replace equipment and appurtenances necessary to maintain the intended performance of the system.

Residential user means all dwelling units used as domiciles.

Revenues and net revenues shall have the meanings as defined in Section 3 of Public Act. No. 94 of 1933 (MCL 141.103).

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Service demand charge means the charge levied to all customers for customer related administrative costs associated with the system.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

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

Sewer means a pipe or conduit for carrying sewage.

Storm sewer or storm drain means a sewer which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial waste.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

System means all facilities of the village and all subsequent additions, including all sewers, pumps, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

(Code 1959, § 25.410)

Sec. 28-262. Operation and management of system.

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the village. The village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the system and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system. As part of the operation of the system the village shall review not less than every two years the wastewater

contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The village shall from time to time revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by applicable federal regulation;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
(Code 1959, § 25.421)

Sec. 28-263. Use of public sewers required.

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

b) It shall be unlawful to 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 division.

c) 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.

d) Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure, shall cause such structure to be connected to an available public sanitary sewer. Such connection shall be completed promptly but in no case later than 90 days from the date of occurrence of the last of the following events:

- (1) Publication of a notice by the village clerk of the availability of the public sanitary system in a newspaper of general circulation in the village.
- (2) Modification of a structure so as to become a structure in which sanitary sewage originates.
- (3) This division becomes effective.

e) Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the 90 days of the period provided in subsection (d) of this section, village clerk shall require the connection to be made forthwith after notice by first class mail or certified mail to the owners, occupants and persons having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this division.

f) Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the village may bring an action for a mandatory injunction or order in the district, municipal or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system forthwith. The village in one or more of such actions may join any number of owners of structures situated within the village to compel each owner to connect to the available sanitary sewer system forthwith.

(Code 1959, § 25.422)

Sec. 28-264. Private sewage disposal.

a) Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the state department of environmental quality.

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

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

d) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state department of environmental quality.

(Code 1959, § 25.423)

Sec. 28-265. Building sewers and connections.

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

b) There shall be two classes of building sewer permits: (i) for residential service, and (ii) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the village. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the village. A permit and inspection fee as currently established or as hereafter

adopted by resolution of the village council from time to time for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the village treasurer at the time the application is filed.

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

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

e) Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the village to meet all requirements of this division.

f) The building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Clay Sewer Pipe, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Polyvinyl Chloride (P.V.C.) plastic pipe SDR-35 meeting the current requirements of A.S.T.M. D-3034 and D-1784. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that one of the other three pipes may be accepted if laid on a suitable improved bed or cradle as approved by said inspector.

g) All joints and connections shall be made gastight and watertight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). P.V.C. plastic pipe joints shall be the push-on type equal to A.S.T.M. D3212. The joints and connections shall conform to the manufacturer's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.

h) The size and slope of the building sewers shall be subject to the approval of the village, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-fourth inch per foot, except as otherwise approved by the superintendent. All building sewers shall be laid on a sand cushion having a minimum thickness of three inches. All irregularities and depression in the subgrade shall be fitted with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment, the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.

i) 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 and shall be a minimum of 42 inches at a point ten feet from point of connection. All excavations required for the installation of a building sewer shall be open trench

work unless otherwise approved by the sand inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no backfill shall be placed until the work has been inspected by the village.

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

k) The connection of the building sewer into the public sewer shall be made at a location designated by the inspector.

l) The applicant for the building sewer shall notify the village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the village.

m) 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.

n) Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight runs. Every change in alignment or grade in excess of 22 1/2 degrees in a building sewer shall be served by a cleanout, except that no cleanout shall be required for not to exceed one 45-degree change of direction or one 45-degree offset.

(Code 1959, § 25.424)

Sec. 28-266. Use of the public sewers.

a) *New connections prohibited.* The village council shall prohibit any new connections from inflow sources to the system and shall refuse to accept inflow sources from existing connections which are not consistent with the system's design capacity including discharge of stormwater, surface water, groundwater, roof runoff, foundation drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; and shall further prohibit new connections unless there is capacity in all downstream sewers, lift stations, force mains and treatment plant facilities including capacity for BOD and suspended solids.

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

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

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

e) *Control manhole.* When required by the village, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136, October 16, 1973) and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

f) *Exclusion of industrial wastes.* The village may exclude from the system a portion or all industrial waste from an industrial user.

g) *Surcharges.* A surcharge may be imposed on the rate charged to industry for the treatment of industrial waste. The surcharge shall be based on the volume, strength and character of the industrial waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the village.

h) *Special assessments or contracts.* Special assessments or contracts may be executed with industries which shall be coordinated with this division for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is capable of handling such industrial waste.

(Code 1959, § 25.425)

Sec. 28-267. Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code 1959, § 25.426)

Sec. 28-268. Powers and authority of inspectors.

The duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this division.

(Code 1959, § 25.427)

Sec. 28-269. Penalties.

a) Any person found to be violating any provision of this division except section 28-267, shall be served by the village council with written notice the nature of the violation and providing a reasonable time limit or the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b) Any person who shall continue any violation beyond the time limit provided for in section 28-269(a), shall be guilty of a misdemeanor.

c) Any person violating any of the provisions of this division shall become liable to the village, for any expense, loss, or damage occasioned the village by reason of such violation. (Code 1959, § 25.428)

Sec. 28-270. Conditions of service.

a) The village shall install and maintain at its expense that portion of the building sewer from the public sewer to near the lot or easement line, and the customer shall install and maintain at his expense that portion of the building sewer from the public sewer to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the village, but in no event shall the diameter be less than four inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

b) Applications may be canceled and/or sewer service discontinued by the village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

(1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

(2) Nonpayment of bills.

(3) Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

c) Bills and notices relating to the conduct of the business of the village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the village council; and the village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

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

e) The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the village.

f) All substances and quantities which are prohibited from discharge to the system by P.L. 92-500, the regulations thereto, and other applicable United States law and regulation as same shall from time to time be published be and are hereby prohibited from discharge to the system.

(Code 1959, § 25.429)

Sec. 28-271. Sewage charges for premises connected to the system.

c) *Generally.* Charges for sewage disposal service to each premises within the service area having any connection to the system, shall be as provided in this section.

d) *Charges for sewage disposal services.* Except as herein otherwise provided, charges for sewage disposal services rendered by the system to premises connected to the system of the village shall be as follows:

- (1) *Benefit charge.* For the benefit conferred by the sewer system upon all premises connecting thereto, or connecting to any sewer line tributary thereto, a benefit charge shall be paid for all premises so connecting as follows:
 - a. For each single-family dwelling unit the village shall furnish a sanitary sewer connection lead to the nearest property line of a user for a minimum advance payment as currently established or as hereafter adopted by resolution of the village council from time to time. Any installation costs over and above said payment for labor and material which shall be verified by a contractor bill shall be forthwith payable in full to the village upon completion of said sanitary sewer lead.
 - b. For all other miscellaneous buildings (including industrial and commercial buildings publicly or privately owned) not otherwise provided for in this subsection, the benefit charge shall be in an amount determined by resolution of the village council.

The benefit charge shall be paid upon application for a permit to connect such premises to the sewer system or may be paid in not to exceed 30 annual installments with interest at the rate of six percent per annum on the principal balance from time to time remaining unpaid. Provided that the minimum initial payment of ten percent of the benefit charge be paid at the time of application for a permit.

- (2) *Surcharge.* Any premises connecting to the system from which sewage emanates having waste characteristics greater than normal domestic sewage shall be charged a surcharge equal to the proportionately greater flow and strength (200 mg/l BOD5 and 220 mg/l suspended solids) of such sewage to that of normal domestic sewage multiplied by the rate charged to residential users.
- (3) *Monthly charge to users.* The rates to be charged for service furnished by the system shall be as currently established or as hereafter adopted by resolution of the village council from time to time.
- (4) *Premises not serviced by village system.* In the case of premises not serviced by the village's water system there shall be a charge as currently established or as hereafter adopted by resolution of the village council from time to time.

- (5) *Miscellaneous services.* For miscellaneous services or where a premises receives sewer service for which a special rate shall be established, such rates shall be fixed from time to time by resolution of the village council.

e) *Billing.*

- (4) The bills shall be due and payable within 30 days from the date thereof, and all bills not paid when due shall be deemed delinquent and a penalty of ten percent bimonthly of the amount of such billing shall be added thereto and become due and owing as a part hereof.
- (5) No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.
- (6) Sewage disposal service billings shall be made along with the water service billings, payable on or before the last day of the month when due. All charges for sewage disposal shall be paid on or before the last day of the billing date. Charges not paid on or after date of billing shall be subject to penalty charges the following month. Any account not paid within 60 days after the date of the bill shall render the subject premises ineligible for continued service.

f) *Enforcement.* Benefit charges and charges for sewage disposal services are made a lien on all premises served thereby, are hereby recognized to constitute such lien and whenever any such charge against any property shall be delinquent for six months, the village official or officials in charge of the collection thereof shall certify annually, not later than June 1 of each year, to the Village Treasurer, the fact of such delinquency, whereupon such charge shall be by him entered 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 village tax roll against such premises are collected and the lien thereof enforced.

(Code 1959, § 25.430)

Sec. 28-272. No free service.

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

(Code 1959, § 25.431)

Sec. 28-273. Rate sufficiency.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the said 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 division may require. Such rates shall be fixed and revised periodically as may be necessary to produce these amounts. Further the rates for use of the system shall be based on the following:

- (1) *Debt retirement charge.* Each user of the system shall pay a monthly debt retirement charge to be determined from time to time by the village council.
- (2) *O,M&R charge.* Each user of the system shall pay a monthly O,M&R charge in proportion to the user's wastewater contributions to the system. Users that are also metered

customers of the village water system shall be charged in an amount equal to the charge for the water system use. Users that are not metered water customers shall be charged a flat amount per residential equivalent unit assigned to the user's premises, as hereinabove stated.

- (3) *Surcharges.* Each user that discharges wastewater strengths, exceeding normal domestic sewage, as defined, shall pay appropriate surcharges for treatment of excess waste strengths in accordance with section 28-270.

(Code 1959, § 25.432)

Sec. 28-274. Audit review.

The village shall have the right to adjust the user charge rates based on an audit review of the system's operation and maintenances costs. Such an audit review shall be conducted annually by the village.

(Code 1959, § 25.433)

Sec. 28-275. Depreciation costs.

Each industrial user, shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the system that are allocable to the treatment of said user's industrial wastes.

(Code 1959, § 25.434)

Sec. 28-276. Wastewater not exceeding limits of normal domestic sewage.

Each industrial user that discharges process wastewater which does not exceed the limits of normal domestic sewage shall be charged and shall make payments to the village in amounts based on the actual waste volume from such premises.

(Code 1959, § 25.435)

Sec. 28-277. Wastewater exceeding limits of normal domestic sewage.

Each user that proposes to discharge wastewater to the system which exceeds the limits of normal domestic sewage will be required to either: (i) provide satisfactory pretreatment to reduce the strength of the wastewater to normal domestic sewage or (ii) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to normal domestic sewage.

(Code 1959, § 25.436)

Sec. 28-278. Protection from damage.

No authorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code 1959, § 25.437)

Sec. 28-279. Powers and authority of inspectors.

The duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this division.

(Code 1959, § 25.438)

Sec. 28-280. Operating year.

The system shall be operated on the basis of the same operating year as the village.

(Code 1959, § 25.439)

Sec. 28-281. Records and accounts; annual audit; insurance.

a) The village 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 village 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) The village 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 moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

(Code 1959, § 25.440)