

CHAPTER 50: SEWER

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MUNICIPAL SEWER USE**§ 50.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. The Harbor Springs Area Sewage Disposal Authority which, jointly with the village, has jurisdiction over the use and operation of the treatment works.

B.O.D. (denoting BIOCHEMICAL OXYGEN DEMAND). The quantity of oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. 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. The extension from the building drain to the public sewer or other place of disposal.

CLASSES OF USERS. The division of sanitary sewer customers into classes by similar process or discharge flow characteristics, as follows.

(1) ***COMMERCIAL USER.*** Any retail or wholesale business engaged in selling merchandise or a service and that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(2) ***GOVERNMENTAL USER.*** Any federal, state, or local government office or government service facility that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(3) ***INDUSTRIAL USER.*** Any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any user of the publicly-owned treatment works identified in the *Standard Industrial Classification Manual, 1987*, under divisions A, B, D, E, or I, excluding those users already identified in one of the other user classes. A user may also be excluded from the ***INDUSTRIAL USER*** class if it is determined that such user will discharge only segregated domestic wastes or wastes from sanitary conveniences.

(4) ***INSTITUTIONAL USER.*** Any educational, religious, or social organization such as a school, church, nursing home, hospital, or other similar entity that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(5) ***RESIDENTIAL USER.*** An individual home or dwelling unit including mobile homes, apartments, condominiums, or multi-family dwellings that discharge only segregated domestic wastes or wastes from sanitary conveniences.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact can remove such pollutants to a substantial degree. The term **SUBSTANTIAL DEGREE** generally means removals in the order of 80% or greater.

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

INCOMPATIBLE POLLUTANT. Any pollutant that is not a compatible pollutant, as defined in "compatible pollutant" above.

INDUSTRIAL COST RECOVERY. The recovery from each industrial user, as defined, a portion of the U.S. Environmental Protection Agency grant which is allocable to the construction of facilities for the treatment of wastes from said industries.

INFILTRATION. Any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. **INFILTRATION** does not include and is distinguished from inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow.

INFLOW. Any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs, and swampy areas and storm drain cross connections.

INSPECTOR. Any person or persons authorized by the village or the Authority to inspect and approve the installation of building sewers and their connection to the public sewer system.

MAJOR CONTRIBUTING INDUSTRY. An industrial user, as defined, that discharges: a flow of 50,000 gallons or more per average work day; a flow exceeding 5% of the total treatment plant flow; toxic pollutants in toxic amounts as defined in the NPDES permit; or a flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.

MANAGER. The manager of the Harbor Springs Area Sewage Disposal Authority, or his or her authorized deputy, agent, or representative.

MAY. The act referred to is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

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NORMAL STRENGTH SEWAGE. A sanitary wastewater flow containing an average daily B.O.D. of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

NPDES PERMIT. The permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewaters into the waters of the state.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, (other than debt service) necessary to ensure adequate wastewater treatment on a continuing basis, conform with all related federal, state, and local requirements, and assure optimal long-term facility management. (These ***O AND M COSTS*** include depreciation and replacement costs.)

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

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

PRETREATMENT. The treatment of extra strength industrial wastewater flows in privately-owned ***PRETREATMENT*** facilities prior to discharge into the public sewer.

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is jointly controlled by the village and Authority.

REPLACEMENT. Necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEWAGE. A combination of the liquid and water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, (including polluted cooling water) together with such ground, surface, and stormwater as may be present. The three most common types of ***SEWAGE*** are as follows.

(1) ***COMBINED SEWAGE.*** Wastes including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(2) ***INDUSTRIAL SEWAGE.*** A combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment. (This shall include the wastes from pretreatment facilities and polluted cooling water.)

(3) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWAGE TREATMENT FACILITY. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

SIGNIFICANT INDUSTRY. Any industry which contributes greater than 10% of the design flow or design loading of the treatment works.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed **STORM SEWER**). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of sewage works of the village.

SUSPENDED SOLIDS. 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.

TREATMENT WORKS. All facilities for collecting, pumping, treating, and disposing of sewage, as defined in "sewage works" above.

USER DEBT RETIREMENT CHARGE. The charge levied on all users on the treatment works for the cost of any bond debt of which debt repayment is to be met from the revenues of such works.

USER O AND M CHARGE. The charge levied on all users of the treatment works for the cost of operation and maintenance, including replacement and depreciation, of such treatment works.

VILLAGE. The Village of Alanson, as represented by the Village Council, which, jointly with the Authority, has jurisdiction over the use and operation of the treatment works.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. passed 11-5-1976)

§ 50.02 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 in any area under the jurisdiction of said village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

(B) It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of said village, any sanitary sewage, industrial sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the village or any area under the jurisdiction of the village, and abutting any street, alley, or right-of-way, in which, within 200 feet at the nearest point from the structure in which sewage originates, there is now located or may in the future be located a public sewer or combined sewer of the village, is hereby required at his or her own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter when given official notice to do so, provided that such connection shall not be required to be made less than six months after the sewer, so located, is constructed and made available for connection thereto.

(D) (1) Any industry or structure discharging process flow to the sanitary sewer, storm sewer, or receiving stream shall file the material listed below with the Superintendent and Manager.

(2) The Village Council may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

(a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes;

(b) Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters noted, described, and the waste stream identified;

(c) Sample test, and file reports with the Superintendent, Manager, and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Superintendent and Manager;

(d) Place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities;

(e) Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control;

(f) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes; and

(g) If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Superintendent and Manager subject to approval.

(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.03 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 50.02(D), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Health Department of Northwest Michigan.

(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 or the Authority.

(C) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 50.02(D) a direct connection shall be made to the public sewer in compliance with this subchapter.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Department of Northwest Michigan.
(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.04 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. 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 unto the village and deposited with the Treasurer a corporate surety in the sum of \$1,000 conditioned that he or she will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the Authority or any ordinances of the village pertaining to 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 or her part in connection with plumbing or excavating for plumbing as prescribed in this subchapter. Such bond shall remain in force and must be executed for a period of one year except that on such

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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: for residential, commercial, institutional, and governmental service; and for service to establishments producing industrial waste. In either case, the owner, or his or her 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 Superintendent and Manager. A permit and inspection fee of \$15 for residential, commercial, institutional, or governmental building sewer permit and \$25 for an industrial building sewer permit shall be paid to the Village Treasurer at the time the application is filed.

(C) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said 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 and Manager.

(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 Inspector to meet all requirements of this subchapter.

(F) (1) The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

- (a) Plastic (ABS) ASTM D 1527 Schedule 40;
- (b) Plastic (PVC) ASTM D 1785 Schedule 40;
- (c) Vitrified Clay (VC) ASTM C-700 Extra Strength;
- (d) Asbestos-Cement (AC) ASTM C-428 C1-2400; and
- (e) Cast Iron Extra Heavy ASTM A-74.

(2) If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except the other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Superintendent and Manager.

(G) All joints and connections shall be gas-tight and water-tight and shall conform to the requirements of the current building and plumbing codes.

(H) The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

- (1) Six-inch pipe: one-eighth inch per foot or one inch per eight feet; and/or
- (2) Four-inch pipe: one-fourth inch per foot or two inch per eight feet.

(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. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his or her representative.

(J) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage earned 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 the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Inspector and approved by the Manager.

(L) (1) The applicant for the building sewer shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer.

(2) The connection shall be made under the supervision of the Inspector or his or her representative.

(M) (1) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(2) 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) No connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains, and treatment facility, including capacity for B.O.D. and suspended solids in the sewage treatment facility.

(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.05 USE OF THE PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

(C) Except as hereinafter provided by specific limits, no person shall discharge any of the following described waters or wastes to any public sewers:

- (1) B.O.D.₅ in excess of 200 mg/l;
- (2) C.O.D. in excess of 450 mg/l;
- (3) Chlorine demand in excess of 15 mg/l;

(4) Color, as from, but not limited to, dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations;

(5) Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammable material shall not be admitted;

(6) Garbage not properly shredded (no particle size greater than one-half inch) shall not be allowed;

(7) Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l; or other substances which may solidify or become viscous at temperatures between 32°F and 150°F shall not be admitted to the sanitary sewer;

(8) Industrial wastes in concentrations above those listed below, or any other metallic compounds in sufficient quantity to impair the operations of the sewage treatment processes, shall not be allowed to enter sanitary sewers:

Cd	Limitations set forth by appropriate state agencies to comply with federal guidelines for protection of treatment plant and receiving water course, and limitations set forth in the NPDES permit.
Cn ⁶⁺	
Cr	
Cr ^{Total}	

Cu	
Fe	
Ni	
Pb	
Phenols	
Zn	

(9) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed;

(10) Insoluble, solid, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, and the like shall not be admitted to sanitary sewers;

(11) Noxious or malodorous gas, such as, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides of nitrogen, and oilier substances capable of public nuisance shall not be allowed;

(12) pH less than 5.5 or greater than 9.5 shall not be allowed;

(13) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations shall not be allowed;

(14) Suspended solids in excess of 250 mg/l;

(15) Temperature of wastes less than 32°F or greater than 150°F shall not be allowed; and/or

(16) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment to only such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(D) (1) The village reserves the right to contract with any industrial user to allow said industry to use available excess capacity for discharging wastewaters that exceed the limits of normal strength sewage. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) above, and which in the judgment of the Superintendent or Manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the village may:

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- (a) Reject the wastes;
- (b) Require pretreatment to the level defined as normal strength sewage;
- (c) Require pretreatment to an acceptable level for discharge to the public sewers;
- (d) Require control over the quantities and rates of discharge; and/or

(e) Require all industrial customers or industries with significant changes in strength or flow to submit prior information to the village and Authority concerning the proposed flows.

(2) If the Superintendent and Manager permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and Manager and subject to the requirements of all applicable codes, ordinances, and laws.

(E) Grease, oil, and sand interceptors shall be provided when, in the judgment of the Superintendent and Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings 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.

(F) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(G) When required by the village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent and Manager. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(H) (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the most recent edition of the *Standard Methods for the Examination of Water and Sewage* and shall also conform with the Federal Register reprint of October 16, 1973 (40 C.F.R. part 136) which establishes guidelines for testing procedures for analysis of pollutants. All measurements, tests, and analyses shall be determined at the control manhole and upon suitable samples taken at said 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 from the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate, or whether grab sample or samples should be taken.

(I) Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to the storm sewer.

(J) Agents of the village, Authority, State Department of Natural Resources, or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge.

(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.06 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.07 POWERS AND AUTHORITY OF INSPECTORS.

The Superintendent, Manager, Inspector, and other duly authorized employees of the village and Authority 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 subchapter.

(Ord. passed 11-5-1976)

§ 50.08 CONDITIONS OF SERVICE.

(A) At the time of original construction of the public sewer, the village shall install at its expense that portion of the service from the main to the lot or easement line of all occupied premises. The village shall maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer shall install, at their expense, that portion of the service from said lot or easement line to their premises. The customer shall maintain, at his or her expense, the building drain and building sewer.

(B) Those customers making connections subsequent to the time of original construction of the public sewer shall install, at their expense, that portion of the service from the main to the lot or easement line in addition to that portion of the service from said lot or easement line to their premises.

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(C) The village or Authority shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or 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.

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

(E) These rules may be changed or amended.
(Ord. passed 11-5-1976) Penalty, see § 50.99

§ 50.09 EFFECTIVE DATE.

This subchapter to be in full force and effect from and after its passage, approval, and publication according to the law of the state.
(Ord. passed 11-5-1976)

SEWER RATE AND CONNECTION**§ 50.20 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as defined in § 50.01.
(Ord. 75-36, passed 11-5-1976)

§ 50.21 SEWER USER CHARGE SYSTEM.

(A) All premises connected directly or indirectly to the sanitary sewers of the village, except as hereinafter provided, shall be charged and shall make monthly payments to the village in amounts computed on the basis of the number of residential equivalents assigned to such premises in accordance with the residential equivalence table in § 50.26, one residential equivalent representing the average quantity of sewage generated by and emanating from a single-family residence. The Village Council may, for sufficient reason, make exceptions to or change any of such residential equivalents or establish residential equivalents for types of premises not listed.

(B) The monthly sewer user charges shall consist of a user O and M charge and a user debt retirement charge.

(C) The monthly user O and M charge per residential equivalent shall be an amount established from time to time by resolution of the Village Council and shall consist of a basic charge for operation, replacement, and depreciation of the sewage works.

(D) The monthly user debt retirement charge per residential equivalent shall be an amount established from time to time by resolution of the Village Council and shall consist of a basic charge for bond indebtedness of the sewage works.

(E) The Village Council may enter into a contract with any incorporated resort association or other incorporated association, subdivider, or developer whereby such association, subdivider, or developer shall agree to pay to the village a user O and M charge and a user debt retirement charge as established in this subchapter and in amounts computed on the basis of the number of residential equivalents assigned to such association, subdivider, or developer in accordance with the residential equivalence table set forth in § 50.26.

(F) The charges and rates for sewer services imposed by divisions (C) and (D) above and authorized under the provisions of Public Act 94 of 1933, § 21, being M.C.L.A. § 141.121, as amended, shall constitute a lien on all premises served thereby whenever any such charges or rates shall be delinquent for six months or more, unless notice is given that a tenant is responsible for the payment of all such charges and rates. On April 1 of each year, the Village Clerk shall certify to the tax assessing officer for the village, the fact of such delinquency, whereupon such delinquent charges and rates shall be entered upon the next tax roll as charges against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Public Act 94 of 1933, § 21, being M.C.L.A. § 141.121, as amended, no further service shall be rendered to such premises until a cash deposit in an amount established by resolution of the Village Council shall have been made as security for payment of such charges and service.

(G) The Village Council shall have the right to adjust the user O and M charge based on an annual audit review of the sewage works operation and maintenance costs. Such an audit review shall be conducted annually by the Harbor Springs Area Sewage Disposal Authority.

(H) It is anticipated that the user debt retirement charge will be discontinued when all obligations of the village for payment of the capital cost of the sewage works have been fully paid.

(I) All customers of the sewage works will be included in a user class and each user class will pay for its proportionate use of the sewage works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement and depreciation), and debt retirement of the sewage works. The classes of users of the sewage works, for the purpose of determining the user charges, shall be as follows:

(1) Class I - Residential: shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as residential users in § 50.01;

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(2) Class II - Commercial: shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as commercial users in § 50.01;

(3) Class III - Institutional: shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as institutional users in § 50.01;

(4) Class IV - Governmental: shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as governmental users in § 50.01; and

(5) Class V - Industrial: shall include those customers which discharge industrial sewage and are defined as industrial users in § 50.01.

(J) Each industrial user, as defined above, shall pay its share of the operation, maintenance, replacement, and depreciation costs for treatment of the industrial sewage, plus an amount that may be paid by industrial users for the recovery of the portion of federal grants allocable to the treatment of industrial sewage as defined in § 50.22.

(K) Each industrial sewer customer that discharges to the system process wastewater which does not exceed the limits of normal strength sewage shall be charged and shall make quarterly payments to the village in amounts based on the number of residential equivalents assigned to such premises. The number of residential equivalents shall be determined by dividing the average daily discharge in gallons per day (computed using the month of the year with the highest discharge) by 200 gallons. When less than 200 gallons per day are discharged to the system one equivalent will be assigned. Where fractional units above 1.00 are computed, the nearest whole number will be assigned.

(L) Each industrial user that proposes to discharge to the system process wastewater which exceeds the limits of normal strength sewage will be required to either: provide satisfactory pre-treatment to reduce the strength of the wastewater to normal strength sewage; or pay a surcharge expressed in additional residential equivalents determined by the relative concentration of B.O.D., suspended solids, or other pollutant as compared to normal strength sewage. The total number of residential equivalents, adjusted to include the surcharge, shall be determined by the following relationship, but in no case be less than the residential equivalents computed in division (K) above.

$$R_t = R_f \left(.4 + .3 \frac{B}{200 \text{ mg/l}} + .3 \frac{S}{250 \text{ mg/l}} + \frac{P}{P_n} \right)$$

R_t : total number of residential equivalents

R_f : number of residential equivalents based on flow as computed in division (K) above

B: concentration of B.O.D discharged by user (mg/l) - value not to be less than 200 mg/l

S: concentration of suspended solids discharged by user (mg/l) - value not to be less than 250 mg/l

P: concentration of any pollutant discharged by user (mg/l)

P_n : concentration of any pollutant determined to be acceptable as normal strength sewage

X: factor to be determined on an individual basis

(M) Prior to discharging to the system process wastewater which exceeds the limits of normal strength sewage a permit must be obtained from the village and the Harbor Springs Area Sewage Disposal Authority.

(Ord. 75-36, passed 11-5-1976; Ord. 2 of 2002, passed 4-15-2002) Penalty, see § 50.99

§ 50.22 INDUSTRIAL COST RECOVERY SYSTEM.

(A) Each industrial user, as defined above and in § 50.01, that discharges to the system will be subject to an industrial cost recovery charge equal to each industrial user's allocable share of the federal construction grant received after March 1, 1973 based on pollutant loading, volume, and delivery flow rate.

(B) An industrial user for the purpose of the industrial cost recovery system shall be as defined in § 50.01.

(C) A non-industrial user is any user of the treatment works that is not an industrial user. Non-industrial users are not subject to the industrial cost recovery system.

(D) The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge. The period of time shall be equal to 30 years or the useful life of the treatment works, whichever is less, as determined by the village.

(E) (1) The industrial cost recovery charge for each industrial user shall be a portion of the federal construction grant amount equal in proportion to the industrial share of the total capacity of the treatment works in terms of strength, volume, and delivery flow rate. Specifically, the industrial share of the total capacity shall be determined by one of the three following relationships, whichever produces the largest value.

- (a)
$$\frac{\text{Industrial volume contribution per unit of time}}{\text{Plant design volume per unit of time}}$$
- (b)
$$\frac{\text{Industrial B.O.D. contribution per unit of time}}{\text{Plant B.O.D. design capacity per unit of time}}$$
- (c)
$$\frac{\text{Industrial suspended solids contribution per unit of time}}{\text{Plant suspended solids design capacity per unit of time}}$$

(2) Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by the number of years in the cost recovery period.

(F) Costs recovered from industrial users shall be deposited by the village in a separate account identified as the industrial cost recovery account. Funds shall be distributed from the industrial cost

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recovery account in accordance with U.S. Environmental Protection Agency rules and in the following manner.

(1) The village shall retain 50% of the total recovered amount. The remainder together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.

(2) Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works. The remainder of the retained amount may be used as the village sees fit.

(3) Pending use, the village shall invest the retained amounts for expansion and reconstruction in: obligations of the U.S. government; obligations guaranteed as to principal and interest by the U.S. government or any agency thereof; or shall deposit said amounts in accounts fully collateralized by obligations of the U.S. government or by obligations fully guaranteed as to principal and interest by the U.S. government or any agency thereof.

(G) The Village Council shall have the right to adjust the industrial cost recovery charges to any industrial user that makes a significant change in the volume, strength, or delivery flow rate. Industrial users will only be required to pay for those years of the cost recovery period that they use the system and only at an annual rate in proportion to the length of the entire recovery period.
(Ord. 75-36, passed 11-5-1976)

§ 50.23 SEWER CONNECTION CHARGES.

All premises connected directly or indirectly to the sanitary sewers of the village shall be charged a \$2,100 tap-in fee for each residential equivalent according to the residential equivalence table in § 50.26. The Village Council may for sufficient reasons make exceptions to or change any of such residential equivalents for types of premises not listed.
(Ord. passed 5-7-2012)

§ 50.24 PAYMENTS AND COLLECTIONS.

(A) Bills for sewage disposal service are due and payable at the business office of the village, or to any designated agent, on their date of issue, and if not paid by the fifteenth day thereafter, shall be deemed delinquent and shall be subject to a penalty as determined from time to time by the Village Council. Bills shall be dated and mailed monthly and shall cover one month's service. If a bill is not paid within 30 days after its date of issuance, the village shall serve upon the customer a written notice of delinquency and, if it is not paid within 60 days after the date of issuance, the village may discontinue sewer service to the premises and take such other measures as are permitted by state law.

(B) All bills and notices relating to the conduct of the business of the village and of the sewage works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the village; and the village

shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

(C) Applications for connection permits may be cancelled and/or sewer service disconnected 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 permit application as to the property or residential equivalents to be serviced by the sewage works;

(2) Non-payment of bills; and/or

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

(D) Where the water or sewer service supplied to a customer has been discontinued for non-payment of delinquent bill, the village reserves the right to request a nominal sum be placed on deposit with the village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the village have been paid.

(E) The Village shall make all reasonable efforts to eliminate interruptions of service, and when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

(F) (1) Owners of premises no longer being used for human occupancy may make a request in writing to the Village Clerk for a discontinuance of sewer service.

(2) Said premises shall not be re-occupied within one year of discontinuance of service until all monthly service charges have been paid from the date of service discontinuance through the current month of proposed re-occupancy and resumption of sewer service.

(3) If resumption of sewer service and re-occupancy does not occur within one year of discontinuance, a new tap-in fee as provided by § 50.23(A) shall be paid.
(Ord. 75-36, passed 11-5-1976; Ord. passed 3-3-1980; Ord. 1 of 2003, passed 2-3-2003)

§ 50.25 EFFECTIVE DATE.

This subchapter to be in full force and effect from and after its passage, approval, and publication according to the law of the state.
(Ord. 75-36, passed 11-5-1976)

§ 50.26 RESIDENTIAL EQUIVALENCE TABLE.

<i>Type of Premises</i>	<i>Residential Equivalent</i>
Barber shops	0.15 per chair
Bars	0.05 per seat
Beauty shops	0.25 per booth
Boarding houses	0.20 per person
Bowling alleys (no bars, lunch facilities)	0.15 per alley
Churches	0.01 per seat
Convalescent homes (nursing homes)	0.40 per bed
Country club	0.10 per member
Drug stores	0.20 per employee
Dry cleaners	1.25 per press
Factories (exclusive of industrial wastes)	0.15 per person/per shift
Grocery stores and super markets	0.30 per employee
Hospitals	1.10 per bed
Hotels, motels (private baths, two persons/room)	0.20 per bed
Industry (process waters)	(to be determined at time of application)
Laundry (self service)	0.50 per washer
Marinas	0.10 per slip
Mobile home	1.00 per unit
Multiple-family residence	1.00 per family
Office building	0.10 per employee
Restaurants	0.10 per seat
Rooming houses (no meals)	0.10 per person
Sanitary trailer and boat dump station	2.00 per station
Schools (cafeteria)	0.03 per student
Schools (showers and cafeteria)	0.05 per student
Schools (without showers and cafeteria)	0.02 per student
Service station	0.20 per pump
Single-family residence	1.00 per unit

<i>Type of Premises</i>	<i>Residential Equivalent</i>
Snack bars, drive-ins, and the like	0.10 per seat and/or stall
Store (other than specifically listed)	0.15 per employee
Trailer parks (central bathhouses)	0.35 per trailer
Trailer parks (individual sewer connection)	1.00 per trailer
Travel trailer parks and campgrounds (with individual sewer connections)	0.20 per site
Travel trailer parks and campgrounds (without individual sewer connections)	0.15 per site
Table Note: Each connection to the public sewers will be assigned a minimum of 1.00 equivalent user. Where fractional units above 1.00 are computed, the nearest whole number will be assigned.	

(Ord. 75-36, passed 11-5-1976)

SANITATION AND SEWAGE FACILITIES

§ 50.40 REQUIREMENTS.

(A) No person shall erect any dwelling or commercial or industrial building without providing sewerage facilities and connections to the sanitary sewer; provided that such connection need not be made if the premises are located at a greater distance than 100 feet from a sanitary sewer.

(B) When a connection to a sanitary sewer is not required as in division (A) above, the person erecting said dwelling or commercial building shall provide a septic tank, provided a written permit is secured from the Village Clerk. The use of vaults, privies, or cesspools will not be permitted.

(C) All septic tanks shall be constructed in accordance with the specifications of the State Department of Health and under the supervision of the Health Officer.

(Ord. 75-21, passed - -) Penalty, see § 50.99

§ 50.41 PRIVIES, VAULTS, CESSPOOLS, SEPTIC TANKS, AND THE LIKE.

(A) Whenever, in the opinion of the Health Officer, any privy, vault, cesspool, or septic tank shall become offensive to the safety, health, comfort, convenience, or repose of the public, he or she shall give notice in the manner provided in division (E) below, requiring the owner or occupant of the premises to clean, remove, or alter the said privy, vault, cesspool, or septic tank in a manner satisfactory to the Health Officer within five days from the day of the first notice.

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(B) Should the owner or occupant of the premises fail to clean, remove, or alter the said privy, vault, cesspool, or septic tank within the time specified, the Health Officer shall cause the work to be done and the expense of such work shall be levied and collected by special assessment upon such premises. Such special assessment shall, in each case, be made in pursuance of a resolution of the Village Council directing the same and specifying the amount thereof and the lot or premises upon which the same shall be assessed, or at the option of the Village Council said charges may be collected in a suit at law.

(C) If any privy, vault, or cesspool not accepted, having been ordered to be removed by the Health Officer, because of its being unsafe for the health, comfort, convenience, safety, and repose of the public, the said property owner must comply with the provision of § 50.40. In complying, said condemned disposal system, owner shall have six months' time in which to comply and such work shall be completed in a six-month period and shall be done in accordance with division (B) above.

(D) All property owners who now have privies, vaults, or cesspools on their property and who are available to sewerage connection within the specifications of § 50.40(A), will have six months to remove said present system of disposal and connect to the sewer and, if said connection is not made in the six-month period, such work shall be done in accordance with division (B) above.

(E) Notice regarding removal or alteration of privies, vaults, cesspools, or septic tanks or any other act, the expense of which, if performed by the village, may be collected from the owner in an action of law, shall be served:

(1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office, or place of business with some person of suitable age and discretion;

(2) By mailing the notice by registered mail with return receipt to such owner at his or her last known address; or

(3) If the owner is known, by posting the notice in some conspicuous place on the premises five days prior to the date set therein for compliance.

(F) No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any village officer unless permission is given to remove said notice.
(Ord. 75-21, passed - -) Penalty, see § 50.99

§ 50.42 MISCELLANEOUS.

(A) No person shall expectorate in any public place, except into a receptacle provided for that purpose.

(B) No person owning, in charge of, or in control of any lavatory or washroom for use of the public, shall provide in or about such lavatory or washroom any towel for common use. The term **COMMON USE** as used in this section shall mean use by more than one person without cleaning. (Ord. 75-21, passed - -) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person found to be violating any provision of §§ 50.01 through 50.05 and 50.07 through 50.09 shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in division (B)(1) above shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than \$5 and not more than \$99 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of §§ 50.01 through 50.09 shall become liable to the village, for any expense, loss, or damage occasioned the village by reason of such violation.

(C) (1) Any person who violates any provision of §§ 50.20 through 50.25 shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being M.C.L.A. §§ 600.101 through 600.9939, and shall be subject to a fine of not more than \$500. Each day in which any such violation shall continue shall be deemed a separate offense. The Village President is hereby designated as the authorized village official to issue municipal civil infraction citations directing alleged violators of §§ 50.20 through 50.25 to appear in court. In addition, the village shall have the right to bring a civil lawsuit to enforce the provisions of §§ 50.20 through 50.25, including an action for injunctive relief to enjoin continued violations of §§ 50.20 through 50.25.

(2) In addition to the penalties provided in division (C)(1) above, any person violating any of the provisions of §§ 50.20 through 50.25 shall be liable to the village for any expense, loss, or damage incurred by the village by reason of such violation.

(D) Any person who is convicted of any violation of any provision of §§ 50.40 through 50.42 shall be guilty of a misdemeanor and shall be punished by fine not to exceed \$100 or by imprisonment in the county jail not to exceed 90 days or by both fine and imprisonment at the discretion of the trial court upon each count or offense of which such person be convicted.

(Ord. 75-21, passed - -; Ord. passed 11-5-1976; Ord. 2 of 2002, passed 4-15-2002)

CHAPTER 51: GARBAGE

Section

- 51.01 Definition
- 51.02 Regulations
- 51.03 Licenses
- 51.04 Pick up and collection for disposal of garbage
- 51.05 License required

- 51.99 Penalty

§ 51.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. All waste and refuse, vegetable or animal matter, filthy liquids, discarded vegetable and/or animal food containers, decayed vegetable and/or animal matter or mixtures, in such quantity as to create or contribute to the creation of unsanitary, unhealthy, unwholesome, or disagreeable conditions or odors within the village.

(Ord. 75-11, passed - -)

§ 51.02 REGULATIONS.

No person, firm, or corporation shall deposit, place, or allow to accumulate, except in suitable covered containers, any garbage in the village and shall dispose of same only as hereinafter provided.

(Ord. 75-11, passed - -) Penalty, see § 51.99

§ 51.03 LICENSES.

The village may issue up to four licenses to any person or firm to collect garbage and/or trash within the village limits and dispose of same as herein provided except that one license may be reserved for the dump contractor. Such license shall require the payment of a \$25 license fee and the furnishing of a

license and permit bond in the amount of \$1,000 to the village and shall be good for one year from its date.

(Ord. 75-11, passed - -)

§ 51.04 PICK UP AND COLLECTION FOR DISPOSAL OF GARBAGE.

The picking up and collection for disposal of garbage and/or trash by any licensed person, firm, or corporation may be done in any reasonable manner so long as garbage and/or trash is covered and precautions are taken to prevent spilling the same upon the public streets or alleys while in transit, but may not be kept in truck or disposal vehicle from one day to another.

(Ord. 75-11, passed - -) Penalty, see § 51.99

§ 51.05 LICENSE REQUIRED.

No person shall engage in the business of collecting garbage and/or trash within the village limits without first obtaining a license to do so as herein provided; provided that this shall not prohibit any person from collecting and delivering his or her own garbage and/or trash from time to time.

(Ord. 75-11, passed - -) Penalty, see § 51.99

§ 51.99 PENALTY.

Any person who is convicted of any violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished by fine not to exceed \$100 or by imprisonment in the county jail not to exceed 90 days or by both fine and imprisonment at the discretion of the trial court upon each count or offense of which such person be convicted.

(Ord. 75-11, passed - -)