

Chapter 38

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State law references – Ownership and operation of water supply or sewage disposal facility by city, Mich. Const. art. VII, § 24; local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281.

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ARTICLE I. IN GENERAL

Secs. 38-1 – 38-30. Reserved.

ARTICLE II. WATER*

DIVISION 1. GENERALLY

Sec. 38-31. Fluoridation of city water supply rejected.

The city, in accordance with section 12721 of Public Act No. 368 of 1978 (MCL 333.12721) providing that the addition of fluoride to the public water supply may be rejected by an ordinance of the local governing body and in the interest of the health, safety and welfare of the inhabitants of the city and to avoid the increased cost inherent in regulating fluoridation of the city water supply, does hereby reject the addition of fluoride into the public water supply of the city.

(Ord. No. 92, 4-9-1973)

Secs. 38-32 – 38-50. Reserved.

DIVISION 2. WATER SERVICE

Sec. 38-51. 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:

Stub service means any service connection with the principal mains, and service pipes from the principal mains to approximately two feet within the curbline, including the stop or curb cock or valve and box for same.

Water main means all that part of the water distribution system which is located within the right-of-way lines of the several streets and alleys of the city or within easements on private property which is the property of the city or held

and controlled by the city for the purpose of supplying water to the inhabitants thereof, or for the purpose of fighting fire within the city.

(Code 1972, § 33-2)

Cross reference – Definitions generally, § 1-2.

Sec. 38-52. Application for service; installation of service pipes.

(a) When the installation of service pipes is desired from the water distribution system, an application in writing, on the approved form, shall first be made to the city clerk. Such application shall set forth the true legal description of the premises it is proposed to serve, the size of the service desired and such other pertinent data as may be required by the council. The applicant shall be required to answer truthfully all questions regarding such application which may be put to him by an officer or employee of the water superintendent. Every person who shall be supplied, or whose property shall be supplied, with water by the city shall be deemed to have accepted and approved the provisions of this division and all the rules of the city governing and regulating the supplying of water and the same shall constitute a part of the contract between such person and the city. Each application shall be signed by the owner of the property or his legally authorized agent.

(b) Connections to the distribution mains shall be installed only by the city and then only upon the prepayment of the fees established therefor by resolution of the council and the subsequent payment of the actual cost of the stub service.

(c) After the service pipes have been installed to the premises, such person may apply for and be granted the use of water; provided that such application is made in writing, on an approved form, at the office of the city clerk; and provided further that the applicant agrees to be bound by all the legally established rules and regulations of the city regarding the waterworks.

(d) Tenants of persons complying with the provisions of section 38-62(b) with respect to the execution of leases and filing of affidavits shall not be granted the use of water until they have

* **Cross reference** – Public improvements water supply system in subdivisions, § 16-144.

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paid the deposit established therefor by resolution of the council. Such deposit shall bear no interest and shall be retained by the city until service has been discontinued and all rates and charges paid and the meter returned in good condition. The council has the right to use such portion of the sum to repair and meter damaged by reason of the owner's or customer's negligence and to pay any unpaid rates or charges for which they may be liable, and the person making the deposit shall be required to pay such additional sums as shall be necessary to have on deposit at all times the amount of the original deposit.

(e) Whenever a customer shall have promptly paid his water bills for at least two years and shall have otherwise established satisfactory credit in the city, the council may refund his deposit.
(Code 1972, § 33-3)

Sec. 38-54. Connections.

(a) The council may postpone the granting of permission to connect a service at such times as, in its judgment, the making of connections will endanger the mains from freezing or other damage.

(b) Stub service shall be furnished and installed only by properly authorized employees of the city, acting under the orders and direction of the water superintendent, and at the expense of the customer. The owner of the property served shall pay the actual cost of all labor and materials entering into such service connections, plus the fee established by resolution of the council to cover the cost of inspection of the owner's portion of the service, overhead, and maintenance of the roadway until restored to a condition equal to the existing roadbed before the excavation was made.

(c) No person shall make a connection with the stub service or extend the same to the building, or meter, located either at the curb or within the basement, except a regular employee of the city or a duly licensed plumber, having a

special permit from the council showing that the service has been inspected and approved.

(d) The plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the prosecution of the work of introducing water into the premises, and in no sense as the agent of the city. The city will not be responsible for the acts of such plumber. The owner and plumber will each be held responsible for the trench opened by them.

(e) Every building or premises shall have a separate connection with the street main and shall be separately metered, except where the building is an accessory to the principal use, such as a garage or storage building.

(f) No person shall make any attachment to or connection with the water distribution system or make any repairs, additions to, or alterations of any fixtures connected with the system unless such connection, repairs, additions, extensions, or alterations are in accord with this article and the code approved by the state plumbing board, and with any additional rules and regulations regulating the installation of plumbing which the council may from time to time adopt. All work performed in making additions, connections, repairs, extensions or alterations of any fixture connected with the distribution system shall be subject to inspection by the water superintendent or his agent, who is hereby granted authority to order any part of such work disconnected or changed in order that the work shall comply with the rules and regulations of the city.

(g) The curb cock or valve on any stub service shall not be opened or left open by the plumber or any other person after connecting the service at the curb, so that the water may be supplied to such premises by such service, unless and until the service pipe and installation has been inspected and approved by the city and the meter installation completed. In the case of building operations, special temporary permission may be given by the council under such conditions as it may prescribe.

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(h) All right, title, and ownership to the stub service, including the corporation cock, the service box, the stopcock and the service pipe between them, shall be vested in the city.

(i) All service pipes between the main and the meter shall be a minimum internal diameter of three-fourths inch. Such services shall be of seamless annealed type K copper tubing conforming to American wall thickness in three-fourths inch, one-inch and 1¼-inch sizes. The minimum depth of cover for services shall be five feet below the surface of the ground or the established street grade. The service shall be brought to the required depth as soon as possible after leaving the tap. No service shall be laid along the outside wall or in any position where there is danger of freezing. Every service shall be furnished with a valve with waste on the influent side of the meter below the action of frost, and on two-inch and larger meters a valve shall also be placed on the effluent side of the meter. When such valve is placed under the floor, the rod operating the valve shall extend above the floor. Service pipe laid in the same trench with sewers shall be at least 18 inches distant from the sewer horizontally, and if the sewer service shall be shelved into the bank to a solid bottom. In no case shall a service pipe be laid on a fill.

(j) Where trenches are opened for the laying of service pipes and such service pipes installed, such trenches, materials and workmanship shall be inspected and tested for leakage by a water superintendent that such trench and service are ready for inspection and test.

(k) Standpipes or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be attached to the water supply system. Application for such permits, accompanied by a plan of the proposed pipe system, must be submitted to the council for approval. No additional fixtures, connections, or extensions shall be made in any fire system. The entire cost of installing the fire service shall be borne by the owner of the building applied. Such services shall be subject to the maintenance provisions as given in section 38-55.

(Code 1972, § 33-4; Ord. No. 155, 3-28-2002)

Sec. 38-55. Maintenance of service pipes and fixtures.

The owner of property into which water is introduced by a service pipe will be required to install and maintain in perfect order, at his own expense, the service pipe from the curb cock and box to the meter on or for his premises, including all fixtures therein provided for delivering or supplying water for any purpose. The expense of such work, and all materials and labor required, shall be paid by the property owner.

(Code 1972, § 33-5)

Sec. 38-56. Meter required; installation of meters.

(a) All connections with the water mains, with the exception of fire hydrants and fire protection sprinkler systems, must be prepared for the use of water through a meter and no water shall be supplied to any inhabitant of the city unless such water shall be measured by a water meter of a design approved and installed by the council. The council will not furnish meters of a larger size than, in its judgment, appears to be necessary.

(b) Water for automatic sprinkler systems will be furnished for the rates established by the city council. No person shall use any water from a sprinkler system except in case of fire.

(c) All meters must be set in a clean, dry, sanitary place easily accessible. They will not be allowed in closets or compartments that are kept locked, in coal bins, in or under toilet room floors, in pits below basement floors, under buildings having no basements, or under porches, show windows, snow boards or any other place where they are difficult to access. Where practicable, meters shall be installed within the building served, but where this is impracticable, meter pits shall be built in accordance with plans and specifications approved by the council. The cost of construction of meter pits shall be borne by the owner of the property.

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(d) Actual placing of the meter shall be done by the water superintendent after the property owner has made application for same and provided a place in the system, with the approved service, at his own expense, for setting the meter. In case an application for water has been filed and no provision made for the meter, the water superintendent will not be required to set the meter or supply service until the place to install the meter has been provided. The space occupied by the meter and the meter box shall at all times be kept accessible and free from rubbish and obstructions of all kinds.

(e) Meters will be furnished by the city without cost to the customer, except for a nominal setting charge established by resolution of the council; all right; title and ownership of the meter shall be vested in the city.

(f) The city will maintain all meters and make all necessary replacements caused by wear through normal usage. The customer will be held responsible for care and protection of the meter from freezing or damage by hot water and from injury by any person. Any damage which may occur to any water meter due to carelessness or neglect of the tenant, owner, or agent of the owner or tenant of any property on which the meter is placed shall be paid by such person upon presentation of a statement of damages. Meters shall be repaired only by the water superintendent or his authorized agents.

(g) In case a meter reading does not appear to be consistent, or in case the meter has ceased to register, the amount of water charged for shall be the amount estimated by the water superintendent. In making such estimates, previous quantities of water used by the same premises shall be used as a basis for such estimates, but special conditions found, such as leaking fixtures or abnormal demand for water, may also be considered. When it appears that abnormal use of water has resulted from leakage or carelessness on the part of the customer, no deduction shall be made therefor.

(h) All persons are forbidden to interfere with or remove a meter from any service connection. No person shall break, remove or tamper

with, or shall cause or suffer to be broken, removed or tampered with, any seal which is placed on any meter or service box by an employee of the city. No person shall place or cause or suffer to be placed any device which will serve to allow any water to be used which does not pass through the meter.

(i) It shall be the duty of the water superintendent to read all meters periodically and to render statements for the amounts due as shown by the reading. Statements shall be payable as determined by this division, and in no event shall failure to receive a statement excuse any customer for nonpayment thereof.

(Code 1972, § 33-6)

Sec. 38-57. Shutoff of service for nonpayment of fees.

(a) If any payment for the use of water or any fees as determined by this division or by resolution of the council remain unpaid for a period of 15 days after the due date, the city may cause the water supply to be turned off and the meter removed from premises until such time as payments and all applicable fees shall have been fully paid, including billed charges that are not yet due.

(b) Neither the water superintendent nor the city shall be liable for any damage which may result to any person or premises from shutting off the water from any mains or service, for any purpose whatsoever, even in cases where no notice is given.

(c) When the water supply to any building, structure or premises shall have been shut off or stopped, or an employee has been sent to the premises for the purpose of shutting off the water, under the direction of the city, in accordance with the provisions of subsection (a) of this section, the water shall not again be supplied to such building, structure or premises until the charges and penalties plus the service charge established by resolution of the council shall have been paid. If water service is not resumed by the customer, any unpaid charges and penalties shall be deducted from the deposit made with the city or become a

lien on the property served as provided in this division.

(Code 1972, §; Ord. No. 193, §§ 1, 2, 3-28-2002; Ord. No. 200, § 1, 12-9-2002)

Sec. 38-58. Access to meter and fixtures.

The water superintendent and his authorized representatives shall have access to the meter and all water piping and plumbing fixtures at any reasonable hour for the purpose of inspecting the meter or any of the plumbing used in connection with the water supply system, and no such meter or auxiliary equipment shall be covered or fenced in such a way as to be inaccessible.

(Code 1972, § 33-8)

Sec. 38-59. Use of public hydrants.

(a) No person shall, without written permission from the city clerk, draw water from any public hydrant or any other public connection with the water supply system except in emergency cases for the purpose of extinguishing fire or for fire practice by the regularly organized fire department. Permits to use hydrants shall be granted by the city clerk only for specific hydrants at specific times for specific work.

(b) Any person holding permission from the city clerk to use a fire hydrant shall keep his written permit at the place of use, and it shall be displayed to any member of the fire department or city official upon request.

(c) Any person desiring services from a fire hydrant shall place on deposit a sum of money as the city clerk shall designate, which sum shall be held until all charges incurred have been fully paid and all city equipment returned in good condition. The council shall have the right to use any portion or all of such deposited sum to repair or replace any equipment damaged through negligence of the person using the hydrant or by reason of such person's use thereof.

(d) Before the use of water from a hydrant is allowed, the discharge port shall first be fitted

with a valve approved by the fire department, under the direction of the water superintendent. The main valve of the hydrant must be opened full at the beginning of work each day, and remain open until the stoppage of work at night. The water supply shall be regulated by the independent valve. The hydrant shall be operated only by a proper hydrant wrench, which shall be obtained from the water superintendent.

(e) Water must not be allowed to run except when used. No leaking hose, pipe or joints shall be permitted. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the water superintendent to regulate the use of the hydrants.

(f) If the use of water from a hydrant is to be continued over a number of days, the water superintendent, weather permitting, may require a meter to be applied to the connection made with the hydrant, at the expense of the party using the hydrant, and such party shall pay for all water by meter measurement, at the stipulated rate.

(Code 1972, § 33-9)

Cross reference – Fire prevention and protection, ch. 14.

Sec. 38-60. Tampering with pipes or fixtures.

(a) It shall be unlawful for any person to disrupt, injure or disturb any water main, service pipe, meter or water fixture or facility of any kind. No person except members of the fire department or the water superintendent or his agent or representative shall unlock, unscrew or take off the cap or cover valve thereof or in any manner operate or use or attempt to operate or use any hydrant (except under a special written permission issued by the city clerk.

(b) No person, except a duly authorized employee of the city, shall open, close or in any way interfere with any valve or gauge or any water main, conduit, or street pipe. This subsection applies also to curb cocks and stub services except as provided in this charter.

(Code 1972, § 33-10)

Sec. 38-61. Deposits, rates, fees and charges.

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(a) The deposits, rates, fees, and charges for water services furnished by the city shall be those provided by resolution of the council.

(b) All rates, fees and charges for water services furnished by the city as provided by resolution of the council in accordance with subsection (a) of this section shall be payable during such period and for such period as is established by resolution of the council. All bills for such services shall be due and payable within such period of time as is established by resolution of the council.

(c) A penalty of ten percent will be added to all bills not paid within the time period established by resolution of the council. All charges for water supplied during any billing period shall be paid within the succeeding billing period. The city shall have the right to turn off the water from any premises against which such charges shall not be paid within a period provided for in section 38-57(a), and the amount of the unpaid balance shall be deducted from the any deposit, or, if a deposit does not cover the unpaid balance, such unpaid balance shall become a lien on the property served as provided in this division. When so turned off, the water shall not be turned on again until the charges and penalties have been paid, including billed charges that are not yet due.

(d) For building purposes only, where it is not advisable or practicable to install a meter, the owner or contractor may be furnished water temporarily for construction at a fixed flat rate. In such instances, the owner or contractor shall make written application to the city clerk giving the estimated service required as to time and quantity, and make payment in advance of the amount of charges for water as determined by the council.

(Code 1972, §33-11; Ord. No. 116; Ord. No. 200, § 2, 12-9-2002)

Sec. 38-62. Collection of delinquent bills.

(a) Lien for unpaid charges. In addition to other remedies possessed by the city for the collection of water rates, assessments, charges or

rentals for the use or consumption of water supplied or made available to any house or building or any premises, lot or parcel of land in the city, the city shall have as security for the collection thereof a lien upon such house or other building and upon the premises or lot or parcel of land upon which such house or other building shall be situated or to which such water has been supplied. Such lien shall become effective immediately upon the distribution of water to the premises or property to which water is supplied, and the official records of the city shall constitute notice of the pendency of such lien. The lien shall have priority over all other liens except taxes and special assessments, whether or not such liens accrued or were recorded prior to the lien created pursuant to this section.

(b) Leased property. The provisions of this section shall not apply in any instance where a lease has been legally executed containing a provision that the lessor shall not be liable for payment of water bills accruing subsequent to the filing provided for in this subsection, provided that an affidavit with respect to the execution of such a lease or a true copy of the lease of the affected premises, if there is one, shall be filed with the city clerk along with a lease monitoring fee, due annually during the duration of the lease, which amount shall be set by resolution of council. The monitoring fee shall be due for each full or partial year of the lease. Upon filing of the lease and the fee, no such charge shall become a lien against the premises from and after the date of such notice. In the event of filing of such notice that the tenant is responsible, the city shall render no further service to such premises until a cash deposit is made as established by resolution of city council. Thirty days' notice shall be given the city clerk by the lessor of any cancellation, change in or termination of the lease. Failure to provide such notice, or failure to file the annual fee, shall render the premises liable for the payment of water bills and subject to the lien as provided in this section. Notwithstanding the foregoing, the city may discontinue water service to the premises if the responsible person fails to pay the rates, assessments, charges, or rentals for the water service. Such discontinuance shall not in-

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validate or diminish any of the other methods employed by the city to collect any delinquent amounts due.

(c) Procedure. All unpaid water charges which, upon May 1 of each year, have remained unpaid for three months or more shall be reported by the city clerk to the council at the first meeting thereof in the month of May. The council shall thereupon order the publication in a newspaper published at least weekly of notice to all owners of property within the city that all unpaid water rates, fee and charges which have remained unpaid for a period of three months or more, as of May 1, which have not been paid by the next May 30, will be transferred to the tax roll and assessed upon the city tax roll against the property to which the water for which the unpaid rates, fees or charges accrued to be collected in the same manner as the lien created by city taxes on the tax roll. All unpaid water rates, fees or charges which are reported by the city clerk to the council as having been unpaid for a period of three months or more on May 1 of each year which remain unpaid on the following May 30 shall be transferred to the city tax roll and assessed against the property to which the water was supplied or furnished, and the unpaid rates, fees or charges accrued shall be collected with and in the same manner as city taxes are collected; and if the same shall remain delinquent and unpaid after the expiration of the time limited to warrant for the collection of taxes levied in such roll, such charges shall be returned to the county treasurer, to be collected in the same manner as the lien created by taxes on the delinquent tax roll of the city.

(Code 1972, § 33-13; Ord. No. 155, 3-28-2002)

Sec. 38-63. Right of city to shut off water or limit water use.

(a) The council reserves the right to limit the amount of water furnished to any customer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use, or the council may entirely shut off the water supply used for any manufacturing purpose or for furnishing power

or for lawn sprinkling at any time by giving reasonable notice to the customer of such intended action.

(b) In the cases of making or constructing new work in making repairs or leakage tests, the right is reserved to shut off the water to any customer without notice for as long a period as may be necessary.

(c) In all places where steam boilers or hot water tanks are supplied with water from the city water supply, the owner or consumer must have placed a suitable safety valve, vacuum valve or other proper device to prevent damage from collapse or explosion when the water is shut off. There shall be placed on the effluent side of the meter a suitable checkvalve to prevent backflow of hot water or steam into the meter.

(d) Neither the water superintendent nor the city shall be liable for any damage or loss of any nature or kind to property or persons which may arise from or be caused by any change, either increase or decrease, in the pressure of water supplied or for shutting off the water for any purpose whatever.

(Code 1972, § 33-13)

Secs. 38-64 – 38-90. Reserved.

DIVISION 3. CROSS CONNECTION RULES

Sec. 38-91. Penalty.

Any person found guilty of violating any of the provisions of this division or any written order of the city water utility in pursuance of this division shall be deemed guilty of a municipal civil infraction. Each day upon which a violation of the provisions of this division shall occur shall be deemed a separate and additional violation for the purpose of this division.

(Ord. No. 94, § 7, 6-10-1974)

Sec. 38-92. State rules adopted.

The city adopts by reference the Water Supply Cross Connection Rules of the state department of environmental quality, being R 325.11401

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to R 325.11407 of the Michigan Administrative Code.
(Ord. No. 94, § 1, 6-10-1974)

Sec. 38-93. Inspections.

It shall be the duty of the superintendent of public works to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the city water utility and as approved by the state department of environmental quality.
(Ord. No. 94, § 2, 6-10-1974)

Sec. 38-94. Right of entry; duty to provide information on piping system.

The superintendent of public works shall have the right to enter at any reasonable time and property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to inspector any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
(Ord. No. 94, § 3, 6-10-1974)

Sec. 38-95. Enforcement; right of the city to discontinue water service.

The city water utility is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate and danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.
(Ord. No. 94, § 4, 6-10-1974)

Sec. 38-96. Protection of potable water supply; labeling of outlets not supplied by potable system.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state and city 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 follows:

WATER UNSAFE FOR DRINKING

(Ord. No. 94, § 5, 6-10-1974)

Sec. 38-97. Applicability of plumbing regulations.

This division does not supersede the state plumbing code and any city plumbing ordinance, but is supplementary to them.
(Ord. No. 94, § 6-10-1974)

Secs. 38-98 – 38-120. Reserved.

DIVISION 4. CROSS CONNECTION CONTROL PROGRAM

Sec. 38-121. Generally; definitions.

In accordance with the requirements set forth by the state department of environmental quality, the city has officially adopted the state cross connection control rules to protect the city's public water supply system. For purposes of this division, the term "cross connection" is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. The term "backflow" means water of questionable quality, waste or other contaminants entering a public water supply system due to a reversal of flow. The cross connection control program will take effect immediately upon approval by the state department of environmental quality.
(Ord. No. 106, § I, 9-11-1978)

Cross reference – Definitions generally, § 1-2.

Sec. 38-122. Local authority.

The authority to carry out and enforce a local cross connection control program will be in accordance with division 3 of this article, a copy of which is included in the program. (See page 9 of the Cross Connection Rules Manual.) (Ord. No. 106, § II, 9-11-1978)

Sec. 38-123. Inspectors.

The water superintendent and/or his designated agent shall be responsible for making the initial cross connection inspections and reinspections to check for the presence of cross connections with the municipal water supply system. Individuals responsible for carrying out the cross connections inspections and reinspections shall have obtained necessary training through any available manuals on cross connection prevention, including the Cross Connection Rules Manual as published by the state department of environmental quality, and attendance of any cross connection training sessions sponsored by the state department of environmental quality or other recognized agencies. (Ord. No. 106, § III, 9-11-1978)

Sec. 38-124. Schedule for inspectors.

(a) The schedule for inspections under this division shall be in accordance with the following general outline:

- (1) Known or suspected secondary water supply cross connections shall be inspected first (surface water, class 3 wells, recirculated water, etc.).
- (2) Known or suspected submerged inlet cross connections will be inspected.

(b) In general, emphasis will be placed on making inspections initially of all industrial and commercial establishments or premises where cross connections are known or suspected to exist. A general area review will follow in a logical sequence as time permits. Emphasis will be placed on inspecting all industrial and commercial establishments within a period of six

months following approval of a cross connection control program. (Ord. No. 106, § IV, 9-11-1978)

Sec. 38-125. Reinspections.

In order to assure against the hazards of cross connections, it will be necessary to periodically and systematically reinspect for the presence of cross connections. The schedule for reinspections shall be in accordance with the schedule as noted on page 43 of the Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, reinspections of the premises will be made. (Ord. No. 106, § V, 9-11-1978)

Sec. 38-126. Protective devices.

The methods to protect against the hazards of cross connections as outlined on pages 37 and 39 of the Cross Connection Rules Manual will be incorporated into the city cross connection control program. Whenever any deviation from the recommended methods of protection is contemplated, approval from the state department of public health shall be first obtained. (Ord. No. 106, § VI, 9-11-1978)

Sec. 38-127. Time limit for compliance.

The time allowed for correction or elimination of any cross connection found shall be as follows:

- (1) Cross connections which pose an imminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.
- (2) Cross connections which do not pose an extreme hazard to the water supply system but nevertheless constitute a cross connection should be corrected within a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate, to

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each customer where a cross connection is found to exist, the time period allowed for compliance. (Thirty to 60 days is usually sufficient time for small devices.)

(Ord. No. 106, § VII, 9-11-1978)

Sec. 38-128. Annual reporting and record-keeping.

Sufficient data to complete an annual report to the state department of public health and to monitor the cross connection control program adequately for city purposes will be maintained by the city water department and its responsible agents. An inspection form (as noted in the appendix) will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow preventer tester (and also for reinspection for cross connections). (Ord. No. 106, § VIII, 9-11-1978)

Secs. 38-129 – 38-160. Reserved.

ARTICLE III. SEWERS*

DIVISION 1. GENERALLY

Sec. 38-161 – 38-180. Reserved.

DIVISION 2. SEWER USE REGULATIONS

Subdivision I. In General

Sec. 38-181. Purpose.

This division sets forth uniform requirements for the direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403), as amended.

* **Cross reference** – Sanitary sewer system in subdivisions, § 16-145.

(Ord. No. 137, art. I, § 1, 3-9-1992)

Sec. 38-182. Objectives.

The objectives of this division are to:

- (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) Improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
- (4) Provide for equitable distribution of the cost of the municipal wastewater system.

(Ord. No. 137, art. I, § 2, 3-9-1992)

Sec. 38-183. 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:

Act and *the act* mean the Federal Water Pollution Control Act (PL 92-500), also known as the Clean Water Act (PL-95-217), as amended, 33 USC 1251 et seq.

Approval Authority means the director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a nonNPDES state or an NPDES state without an approved state pretreatment program.

Board means the city council.

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, expressed in milligrams per liter.

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Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

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

Categorized standards means the national categorical pretreatment standards or pretreatment standard.

Combined sewer means a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

Compatible pollutant means a substance amenable to treatment in the city wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit of the city wastewater treatment facility.

Cooling water means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

Delivery flow rate characteristics means information establishing rate of flow during daily or weekly intervals, or portions of the day in unit time designation such as gallons per day and fluctuations.

Department means the city department of public works.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director means the city manager or his designate.

Discharge means spilling, leaking, seeping, pumping, pouring, emitting, emptying, dumping or depositing.

Domestic wastes means wastes normally emanating from residential living units and resulting from the day-to-day activities usually considered to be carried on in a domicile. Wastes emanating from other uses which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

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

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Groundwater means the water beneath the surface of the ground, whether or not flowing through known or definite channels.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Impoundment means any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

Incompatible pollutants means all pollutants not defined as compatible.

Indirect discharge means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).

Industrial cost recovery means recovery by the city from the industrial users of the sewer system of the federal grant amount allocable to the treatment of wastes from such users, pursuant to 40 CFR 35.928.

Industrial cost recovery period. The industrial cost recovery period shall be equal to 30 years from the date of completion of the facilities.

Industrial user means any nongovernmental, nonresidential user of the publicly owned treatment works which discharges more than the

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equivalent of 25,000 gallons per day of normal domestic sewage (excluding domestic wastes or discharges from sanitary conveniences) and which is identified under Division A, B, D, E or I of the Standard Industrial Classification Manual, 1972, Office of Management and Budget. Also included in this definition is any nongovernmental user of the publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Industrial waste means any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids.

Industrial waste user means industrial user.

Letter of intent means notification from a significant user to a municipality of that user's intent to utilize a publicly owned treatment facility for a given length of time.

Major contributing industry means an industry that:

- (1) Has a flow of 50,000 gallons or more per average workday.
- (2) Has a flow greater than five percent of the flow carried by the municipal system receiving the waste.

Person means an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity. It does not include a governmental entity unless specifically provided.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollution means the placing of any noxious or deleterious substance in any waters of the city in quantities which are or may be potentially harmful or injurious to human health and welfare, animal or aquatic life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Pretreatment means treatment of wastewater from sources before introduction into the city sewerage system.

Private sewage disposal system means a system for the disposal of domestic sewage by means of a septic tank or mechanical treatment, designed for use apart from a public sewer.

Producer means any person who owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

Properly shredded garbage means garbage that has 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 or 1 27/100 centimeters in any dimension.

Public sewer means a sewer that is owned and maintained by the city.

Regional administrator means one of the EPA regional administrators.

Reverse capacity means that unused portion of a treatment work's capacity that has formally been set aside for use by a specific industry and is so identified by a formal binding agreement. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included when determining the reserve capacity to insure a proportional distribution of the cost recovery obligation.

Salt means sodium chloride and calcium chloride or a combination thereof in solid or liquid form.

Sanitary sewer means a sewer intended to carry only sanitary or sanitary and industrial

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waste, or wastes from residences, commercial buildings, industrial plants and institutions.

Sewage (wastewater) means any liquid or water-carried waste from residences, business buildings, institutions, industrial, commercial and governmental establishments, watercraft or floating facilities, or other places, together with such groundwater infiltration, surface water and stormwater as may be present.

Sewer means a pipe or conduit for carrying sewage and devices or structures required for pumping, lifting or collecting such sewage.

Sewerage system (water pollution control facility) means pipelines or conduits, pumping stations, and force mains and all other construction, devices, appurtenances and facilities used for collecting or conducting waterborne sewage, industrial waste or other wastes to a point of disposal or treatment and including the water pollution control plant, including all extensions and improvements thereto which may hereafter be acquired or constructed.

Sludge means and discharge of water, sewage or industrial waste which in concentration of any given constituent or in rate of flow exceeds for any period of duration longer than 15 minutes more than five times the average rate for a 34-hour period during normal operation.

Standard methods means the most recent edition of "Standard Methods for the Examination of Water and Waste Water," published by the American Public Health Association, the American Water Works Association, and the Water Environment Foundation, a copy of which is on file in the office of the director.

Storm sewer, otherwise referred to as "storm drain," means a sewer intended to carry only stormwater, surface runoff, street wash water, subsoil drainage, and noncontact cooling water.

Stream means any river, creek, slough or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flow be uniform or uninterrupted.

Superintendent means the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

Surcharge means the additional charge which a user discharging wastewater of strength in excess of the limits for normal domestic sewage set by the city for transmission to and treatment with the sewerage system will be required to pay to meet the cost of treating the excessive strength wastewater.

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.

Tenant means a person who leases property from any owner.

Test methods (standard methods) shall be as specified in the latest edition of "Methods for Chemical Analysis of Water and Waste," U.S. EPA; "Standard Methods for the Examination of Water and Waste Water," APHA; "Annual Book of Standards, Part 23, Water Atmospheric Analysis," ASTM; and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (October 13, 1973, Federal Register).

User means any person, establishment or owner who discharges and domestic sewage or industrial waste into the sanitary sewer system of the city of any system connected thereto.

Wastewater means any liquid or water-carried waste from residences, business buildings, institutions, industrial, commercial and governmental establishments, watercraft or floating facilities, or other places, together with such groundwater infiltration, surface water, and stormwater as may be present.

Water pollution control facilities. See Sewage system.

Water pollution control plant and sewage treatment plant mean any arrangement of devices and structures used for treating sewage.

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Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 137, art. II, § 1, 3-9-1992)

Cross reference – Definitions generally, § 1-2.

Sec. 38-184. Abbreviations.

For the purpose of this division, the following abbreviations shall have the meanings designated in this section.

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination Study
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids

(Ord. No. 137, art. II, § 2, 3-9-1992)

Sec. 38-185. Violations; penalties.

A user who is found to have violated an order of the city council or who willfully or negligently fails to comply with any provision of this division, and the orders, schedules, regulations, and permits issued under this division, shall be guilty of a municipal civil infraction. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this division or the orders, rules, regulations, and permits issued under this division.

(Ord. No. 137, art. XV, § 1m 3-9-1992)

Sec. 38-186. Falsifying information.

Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or a wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall be guilty of a municipal civil infraction.

(Ord. No. 137, art. XV, § 3, 3-9-1992)

Secs. 38-137 – 38-200. Reserved.

Subdivision II. Use of Public Sewers

Sec. 38-201. Unlawful discharge of waste.

It shall be unlawful for any person to place, discharge or permit to be discharged in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other waste or wastewater.

(Ord. No. 137, art. III, § 1, 3-9-1992)

Sec. 38-202. Discharge of polluted water to natural outlet.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this division and the standards of the state department of environmental quality.

(Ord. No. 137, art. III, § 2, 3-9-1992)

Sec. 38-203. Private wastewater disposal facilities.

Except as provided in this division, 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 wastewater.

(Ord. No. 137, art. III, § 3, 3-9-1992)

Sec. 38-204. Mandatory connection to public sewer.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, are hereby required at the owner's expense to install suitable plumbing facilities, which shall include a meter for measuring water flow if not connected to the municipal water supply, therein in accordance with the plumbing code currently enforced by the county and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division within 90 days after the date of official notice to do so, provided that the public sewer is within 200 feet (61.0 meters) of the structure in which sewage originates and there is sufficient capacity in collection and treatment systems.
(Ord. No. 137, art. III, § 4, 3-9-1992)

Sec. 38-205. Unlawful use of sewers.

No person shall discharge any waste or other substance directly into a manhole, catchbasin or sewer inlet. All discharges to the sewer shall be through a sewer connection. Nothing in this provision shall restrict the use of catchbasins for stormwater in the storm sewer system.
(Ord. No. 137, art. III, § 5, 3-9-1992)

Sec. 38-206. Stormwater discharge permit.

A permit shall be required for all stormwater and uncontaminated wastewater connections to any natural outlet in the city or any area under the jurisdiction of the city. Adequate provisions shall be made for observing and testing at each such connection.
(Ord. No. 137, art. III, § 6, 3-9-1992)

Secs. 38-207 – 38-220. Reserved.

Subdivision III. Private Sewage Disposal Facilities

Sec. 38-221. Use.

It shall be unlawful to construct, install or use a private sewage disposal system within the city, or in any area under the jurisdiction of the city. Where a public sanitary or combined sewer is not available under the provisions of this division, the building sewer shall be connected to a private sewage disposal system in accordance with the provisions of this division and other ordinances of the city and the plumbing and health code currently administered by the county health department where applicable.
(Ord. No. 137, art. IV, § 1, 3-9-1992)

Sec. 38-222. Discharge to impoundment or watercourse prohibited.

No septic tank or cesspool shall be permitted to discharge into any impoundment, stream, surface water or other watercourse.
(Ord. No. 137, art. IV, § 2, 3-9-1992)

Secs. 38-223 – 38-240. Reserved.

*Subdivision IV. Building Sewers and Connections**

Sec. 38-241. Permit required.

It shall be unlawful for any person or owner to do any excavating, tap, or make connections with a sewer without first obtaining a permit from the director as provided in this division.
(Ord. No. 137, art. V, § 1, 3-9-1992)

Sec. 38-242. Standards for connections.

All sewer connections shall be made with approved sewer pipe not less than four inches in diameter and at such locations in the public sewers where branches, wyes and trees were places for that purpose, if any. Where there are no branches, wyes and trees, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the city inspector; the connection shall be made by a saddle device approved by the city. All work for the purpose of making sewer and water connections shall be

* **Cross reference** – Buildings and building regulations, ch. 6.

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done in compliance with the rules and regulations of the city and the plumbing code of the state. Whenever any existing sewer connections have been made with pipe smaller than four inches internal diameter, then a stub constructed from the main to the property line to serve such premises. However, the owner of any lot or parcel of land having a sewer connection of less than four inches of internal diameter will both be required to connect to the new stub connection until such time as the existing connection is inadequate or requires repairing in public property. In no case shall the director issue a permit to repair an existing connection less than four inches in diameter under a pavement or gravel street where a four-inch stub line constructed, then the connection of less than four inches in diameter shall be replaced with a four-inch tile at the time when replacements or repairs become necessary. The materials of construction and construction methods must meet the requirements of the city.
(Ord. No. 137, art. V, § 2, 3-9-1992)

Sec. 38-243. Failure to connect.

If the owner of a parcel of land fails to connect within the time permitted by the Public Health Code of the State of Michigan, Public Act No. 368 of 1978 (MCL 333.1101 et seq.), the city shall proceed to take such action as is authorized to require the connection.
(Ord. No. 137, art. V, § 3, 3-9-1992)

Sec. 38-244. Connection and benefit charges.

(a) A person granted a connection permit for the purpose of connection with any interception sewer shall pay a connection charge per unit for the first unit or fraction thereof and an additional benefit fee for each additional unit or fraction based on the unit factors as follows. Rates shall be set by resolution of the city council and changes as necessary from time to time. A unit (residential equivalent unit (REU)) is considered to be 250 gallons per day.

<i>Usage</i>	<i>REU's</i>
Apartments, per apartment	0.5
Auto dealers, per 1,000 square feet	0.30
Auto/truck garage service and repair, per 1,000 square feet	0.40
Bakery, per 1,00 square feet	1.00
Banks, per 1,000 square feet	0.40
Barbershop, beauty shop, personal care shop, per chair or service area	0.25
Bar/lounge (serves alcoholic beverages), per 1,000 square feet	4.00
Boardinghouses, per person	0.20
Bowling alleys (no bars or lunch facilities), per alley	0.20
Carwash (automatic, water recycled)	5.00
carwash (automatic, no recycling), per line	10.00
Carwash, self-service, per stall	1.00
Churches, per 1,000 square feet	0.1 plus 1 per premises
Cleaners (pickup only), per premises	1.00
Cleaners (pressing facilities), per press	1.25
Cleaners (cleaning and pressing facilities), per 1,000 square feet	1 plus 1 per premises
Clinics (medical or dental), per exam room	0.5 plus 1 per premises
Convalescent homes, per bed	0.25 plus 1.0 per prem-
Convenience store	1.50
Day care center, per 1,000 square feet of building space devoted to day care operations	0.5 plus 1 per premises
Department store with food, per 1,000 square feet	0.60

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<i>Usage</i>	<i>REU's</i>
Department store, no food, per 1,000 square feet	0.40
Donut/cake shop, per 1,000 square feet of area devoted to public food consumption	2.5 plus 1 per premises
Drugstores	1.00
Duplex or row houses, per unit	1.00
Factories (exclusive of excessive industrial use), per 1,000 square feet	Custom
Fraternal organization/banquet hall, etc. (not including other uses determined under separate categories), per 1,000 square feet	0.20
Funeral home, per 1,000 square feet	1.5 plus residence
Furniture store, per 1,000 square feet	0.25
Garden center, per employee	0.16
Gift shop, per premises	1.00
Grocery stores and supermarkets, per 1,000 square feet	1.10
Group living facilities:	
Boarding facility, convent, etc., per bed	0.35
Adult foster care, per bed	0.35
Hospitals, per 1,000 square feet	1.00
Hotels, motels, per room (plus bar and restaurant)	0.40
Industrial facility	Custom
Laundry (self-service), per washer	0.5 plus 1 per premises
Lumberyard, per 1,000 square feet	1 plus 1 per premises
Machine shop, tool and die, per employee	0.08
Manufactured home park, per space	1.00
Meat market, per 500 square feet	0.5 plus 1 per premises
Motor freight terminal, per 15 employees	1.00
Multiple-family residence, per unit	1.00
Museum, per 1,000 square feet	0.50
Nurseries, per 1,000 square feet	0.5 plus 1 per premises
Nursing homes, per bed	0.25 plus 1 per premises
Office building, per 1,000 square feet	0.60
Other residential (including fraternity or sorority houses), per bedroom	0.50
Park, campground, recreation areas, etc.	Custom
Pet, plant and fish stores, per 1,000 square feet	1.10
Public carrier terminal, per each 5 urinals and stalls	1 plus 1 per premises
Public buildings (excluding hospitals and schools), per 1,000 square feet	0.75
Public restroom (freestanding building or public restroom off common entry serving multiple tenants), per each 5 urinals or stalls	1.00
Rest areas (each urinal and stool)	1.00
Restaurants/banquet rooms, per 1,000 square feet:	
(1) Meals only, includes drive-ins	2.50
(2) Meals and alcoholic beverages	6.50
(3) Banquet room (not associated with restaurant)	2.00
Roominghouses (no meals), per person	0.17
Schools (cafeteria without showers and/or pool), per classroom	1.00
Schools (showers, gym, cafeteria), per classroom	1.70
Schools (showers and/or pool), per classroom	1.35

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<i>Usage</i>	<i>REU's</i>
Schools (no cafeteria or showers), per classroom	0.67
Single-family residence	1.00
Service station (not including other uses determined under separate categories), per service area	0.30
Store, retail, per 1,000 square feet (not listed elsewhere)	0.30
Swimming pool, per 1,000 square feet	3.50
Theaters, inside, per seat	0.025
Trailer parks/campgrounds (central bathhouses), per site	0.35
Trailer parks (individual baths), per unit	1.00
Trailer parks (individual baths, seasonal only), per unit	0.50
Veterinary hospital/clinic, per 1,000 square feet	1 plus 1 per premises plus 0.5 per 1,000 square feet kennel operation
Warehouses, per 1,000 square feet	0.10

(b) The determination of REUs to be assigned shall take into account combinations of uses, based on REU criteria for each use type.

(c) Whenever the use of the property is changed, modified, or enlarged, the city shall charge and additional benefit fee based on the REU criteria for the change, modification, or enlargement. The additional charge shall be directly proportionate to the additional REUs over the number previously applicable to the premises. At no time, however, shall the number of REUs be revised below the number previously applicable.

(d) For those uses listed as "custom," the city council shall make a determination of REUs to be assigned for the premises, and may require an estimated fee to be paid pending final determination. For nonresidential uses, the owner may request a similar determination if the particular use is not listed or there are special circumstances. The final determination may take into account actual usage of the facility, data from similar facilities, growth projections, or such other information as the council deems appropriate.

(e) Every connection shall be charged for on the basis of at least one unit. The connection and benefit charges shall be paid at the time of the application for the zoning permit unless other arrangements are made by the city man-

ager on account of undue hardship only. The connection and benefit charges shall be exclusive of and in addition to any fee or payment made or required for engineering or inspection charges. The construction and installation of any such connection shall be subject to the same rules and regulations that are provided in this division.

(Ord. No. 137, art. V, § 4, 3-9-1992; Ord. No. 194, § 1, 9-9-2002)

Sec. 38-245. Records of permits and connections.

The director shall keep a record of all permits granted under the authority of this division, which will include the name of the applicant and contractor, the location of the work and the place in the street where the connection is to be made.

(Ord. No. 137, art. V, § 5, 3-9-1992)

Sec. 38-246. Connections to property outside the city.

When application is made for permission to connect a building situated on property outside the city limits to the sanitary sewer system, the city council may authorize in its sole discretion the director to grant a permit for such connection upon the following terms and conditions: Notwithstanding any charges established by

this division, the city council may authorize, by contract, other charges for the right to connect to the sanitary sewer system. The owner shall pay the cost of the sewer mains to extend to the owner's property and the sewer mains so constructed shall be the sole property of the city. The owner of the property shall submit written permission from the governmental unit in which such property is located to make connection to the sanitary sewer system. The owner thereof shall pay such rates for sewer services as established by ordinances and resolutions of the city for furnishing such services to consumers outside the city. Each applicant whose premises are hereafter connected directly to a city sanitary sewer shall pay to the city a connection charge. The connection charge shall be set by resolution of the city council and changed as necessary from time to time based on the unit factors for connection charges within the city listed in section 38-244. Notwithstanding the foregoing, the city retains the right, in its sole discretion, to refuse to accept sewage from any source outside of the city's boundaries.
(Ord. No. 137, art. V, § 6, 3-9-1992)

Sec. 38-247. Separate building sewer required for each building.

Every building or premises shall have a separate and independent building sewer, except where the building is an accessory to the principle use, such as a garage or storage building.
(Ord. No. 137, art. V, § 7, 3-9-1992; Ord. No. 156)

Sec. 38-248. Persons authorized to do work.

Excavation and backfill for building sewers on private property may be made by the owner. Connection and installation of the building sewer on private property shall be made by a licensed plumbing contractor or licensed sewer contractor.
(Ord. No. 137, art. V, § 8, 3-9-1992)

Sec. 38-249. Use of existing building sewer for new building.

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this division.
(Ord. No. 137, art. V, § 9, 3-9-1992)

Sec. 38-250. Elevation of connection.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by such building drain shall be lifted by means approved by the director and discharged to the building sewer.
(Ord. No. 137, art. V, § 10, 3-9-1992)

Sec. 38-251. Prohibited surface runoff connections.

No person or owner shall make connection of roof downspouts, areaway drains, or other sources of surface runoff to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Ord. No. 137, art. V, § 11, 3-9-1992)

Sec. 38-252. Prohibited groundwater connections.

Exterior foundation drains or other sources of groundwater shall not be connected to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.
(Ord. No. 137, art. V, § 13, 3-9-1992)

Secs. 38-254 – 38-270. Reserved.

Subdivision V. Regulation of Public Sewers

Sec. 38-271. General limitations on discharges.

Use of public sewers shall be limited to those discharges that are not harmful to the public sewage system, the sewage treatment

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plant or the stream receiving the sewage treatment plant effluent. If natural or manmade occurrences are detrimental to the water pollution control facilities or to the public health and welfare of the community, industrial wastes could be prohibited, wholly, or in part, at any time. (Ord. No. 137, art. VI, § 1, 3-9-1992)

Sec. 38-272. Prohibited discharges.

Except as provided in this division, no person shall discharge or cause to be discharged any of the following described waters or wastes, directly or indirectly, to any public sewer:

- (1) Any water or waste will be prohibited that may cause damaging, hazardous or unhealthy effects by:
 - a. Reacting chemically, either directly or indirectly, with the water pollution control works;
 - b. Having a mechanical action that will destroy or damage the water pollution control facilities;
 - c. Restricting the hydraulic capacity of the water pollution control facilities;
 - d. Restricting the normal inspection or maintenance of the water pollution control facilities;
 - e. Placing unusual demands on the water pollution control facilities or process;
 - f. Limiting the effectiveness of the water pollution control process;
 - g. Being dangerous to public health or safety; and
 - h. Causing obnoxious conditions inimical to the public interest.
- (2) Specifically, any of the following wastes shall be prohibited:
 - a. Having a pH below 6.0 or above 9.0.
 - b. Containing more than ten mg/l of the following gases: hydrogen sulfide, sulphur dioxide, oxides of nitrogen or any of the halogens.
 - c. Containing any explosive liquid, solid or gas.
 - d. Containing any flammable substances with a flashpoint lower than 187 degrees Fahrenheit.
 - e. Having a temperature below 32 degrees Fahrenheit (zero degrees Celsius) or above 104 degrees Fahrenheit (40 degrees Celsius) at the sewage treatment plant.
 - f. Containing grease or oil or other substance that will solidify or become viscous at temperatures below 100 degrees Fahrenheit.
 - g. Containing insoluble substances in excess of 10,000 mg/l.
 - h. Containing total solids (soluble or insoluble substances) in excess of 20,000 mg/l.
 - i. Containing soluble substances in concentrations that could increase the viscosity to greater than 1 1/10 specific viscosity.
 - j. Containing insoluble substances having a specific gravity greater than 2 65/100.
 - k. Containing insoluble substances that will fail to pass a no. 8 standard sieve, or having any dimension greater than one-half inch.
 - l. Containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans and animals.
 - m. Having a chlorine demand greater than 15 mg/l in 30 minutes.
 - n. Containing more than five mg/l of any antiseptic substance.

- o. Containing phenols in excess of two-tenths mg/l or as approved by the state water resources commission.
- p. Containing any toxic or irritating substance which will create conditions hazardous to public health and safety.
- q. Containing grease, oil or any oil substance exceeding 100 mg/l.
- r. Containing radioactive wastes or isotopes.
- s. Being of sufficient flow or concentration or both to be defined as a "slug" under this division.
- t. Containing any sludge or precipitates or extractions resulting from any industrial or commercial treatment or pretreatment of any wastes of such.
- u. Containing any wastes of such character and quantity that unusual attention or expense is required for processing.
- v. Having discharge concentrations of incompatible pollutants exceeding the standards of the latest published guidelines established by the state and federal governments for the effluent of the city treatment plant as provided in this division.

(Ord. No. 137, art. VI, § 2, 3-9-1992)

Sec. 38-273. Point of application of restrictions.

The standards and regulations in section 38-272, unless otherwise noted, are to apply at the point where the wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

(Ord. No. 137, art. VI, § 3, 3-9-1992)

Sec. 38-274. Applicability of new federal categorical pretreatment standards.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(Ord. No. 137, art. VI, § 4, 3-9-1992)

Sec. 38-275. Modification of federal categorical pretreatment standards.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. For purposes of this section, consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) (40 CFR 403), "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7, are fulfilled and prior approval from the approval authority is obtained.

(Ord. No. 137, art. VI, § 5, 3-9-1992)

Secs. 38-276 – 38-290. Reserved.

Subdivision VI. Pretreatment

Sec. 38-291. Generally; discharge permit.

Persons who discharge incompatible pollutants or compatible pollutants to the public sanitary sewer in excess of the limits established in

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this division shall obtain a discharge permit in accordance with this division and provide pretreatment of their discharge at their expense in accordance with this division. Persons who provide pretreatment shall obtain a discharge permit from the director. Grease, oil and sand traps required by the director shall be installed at no expense to the city.

(Ord. No. 137, art. VII, § 1, 3-9-1992)

Sec. 38-292. Incompatible pollutants.

Persons discharging incompatible pollutants, other than those described in this division, which are strictly prohibited from being discharged into the sewerage system, shall reduce their incompatible pollutants to levels attainable through the application of the best practicable control technology currently available, as defined in section 304(b) of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-550), unless otherwise indicated in the discharge permit. If it is found by the director that certain incompatible pollutants can be reliably removed by the treatment plant, the director may enter into a contract with the person making the discharge for the purpose of treatment of the pollutants for a fee of extra strength surcharge and allowing the discharge. This shall be so indicated in the discharge permit. This credit may be rescinded at any time. All persons discharging or proposing to discharge any toxic pollutant, as defined by section 307(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, shall apply for permission for such discharge from the director. Attainment of allowed concentrations by dilution will not be allowed as a manner to meet discharge standards.

(Ord. No. 137, art. VII, § 2, 3-9-1992)

Sec. 38-293. Excess pollutants.

Persons discharging pollutants in excess of the limits listed in this section shall be subject to review by the director. The director shall determine the type or amount of pretreatment required at the user's expense, or he may enter into a contract with the person making the discharge for the purpose of treatment of the pol-

lutants for a fee and allow the discharge. The director's determination shall be based on an engineering study prepared at the user's expense. The discharge from a user shall be subject to the provisions of this subdivision when the following limits are exceeded:

- (1) Five-day BOD greater than 250 mg/l.
- (2) Oil or grease greater 100 mg/l.
- (3) Total phosphorous greater than 15 mg/l.
- (4) Average daily flow exceeding three percent of the total daily design flow of the sewage treatment plant.
- (5) Suspended solids greater than 300 mg/l.

(Ord. No. 137, art. VII, § 3, 3-9-1992)

Sec. 38-294. Control manhole requirements.

When the director has determined that it is necessary to ascertain the character of discharge to the public sewage system, the owner of such property served by a sewer connection shall install approved control manholes on the connections to allow observation, sampling and measurement of all substances discharged therein. The cost of the manholes and all equipment considered necessary by the director for sampling and metering equipment shall be at the expense of the user. The director shall approve all equipment prior to installation.

(Ord. No. 137, art. VII, § 4, 3-9-1992)

Sec. 38-295. Control manhole locations.

All control manholes shall be located on the user's property within ten feet of the property line. The control manholes shall be constructed on the sewer connection or the storm sewer connection. If the property is fenced, a gate shall be provided at the manhole location, with provision for a lock to be provided by the director. If the user does not want direct access to his property for security or other reasons, he shall, at his expense, construct a security fence around the control manhole of an area acceptable to the director. The director may allow control manholes

in the street right-of-way in an approved manner and location. Those control manholes that cannot be constructed within ten feet of the property line shall be in an open and accessible area.

(Ord. No. 137, art. VII, § 5, 3-9-1992)

Sec. 38-296. Right of inspection.

The director may inspect the facilities of any user to determine whether the purpose of this subdivision is being met and all discharge requirements are being complied with. Persons or occupants of premises where sewage or other wastes are created or discharged shall allow the director ready access at all reasonable times and make premises for the purposes of inspection or sampling or in the performance of such governmental function.

(Ord. No. 137, art. VII, § 6, 3-9-1992)

Sec. 38-297. Access to sewer outfalls and meters.

Access to and inspection of sewer outfalls to the river and sewer meters shall be as outlined in section 38-296.

(Ord. No. 137, art. VII, § 7, 3-9-1992)

Sec. 38-298. Approval of plans; compliance schedule.

(a) Detailed plans showing pretreatment facilities operating procedures and effluent characteristics shall be submitted to the director for review and approval before construction of the facility. The approval of such plans and procedures will in no way relieve such person from the responsibility of modifying the facility, if necessary, to provide an acceptable effluent. Any changes in the approve facilities or method of operation shall be reviewed and approved by the director.

(b) Any person to which pretreatment standards are applicable shall be in compliance with such standards in the shortest reasonable time, but not later than three years from the date of the promulgation of the U.S. EPS guidelines. In addition, pretreatment facilities for incompatible pollutants introduced into the sewer system

by a major contributing industry shall commence construction within 18 months from the date of the final promulgation of the effluent limitations guidelines defining best practicable control technology currently available.

(c) The director shall require the development of a compliance schedule, by each person discharging industrial wastes, for the installation of such pretreatment or equalization technologies.

(Ord. No. 137, art. VII, § 8, 3-9-1992)

Secs. 38-299 – 38-310. Reserved.

Subdivision VII. Discharge Permits

Sec. 38-311. Persons required to obtain permit.

(a) Persons required by this division to provide pretreatment and persons engaged in any activity listed in section 306(b)(1)(A) of the act, which are as follows, shall obtain a permit prior to connecting to or discharging to the sewerage system:

- (1) Pulp of paper mills.
- (2) Paper board, building and board mills.
- (3) Meat product or rendering processing.
- (4) Dairy product processing.
- (5) Grain mills.
- (6) Canned and preserved fruits and vegetables processing.
- (7) Canned and preserved seafood processing.
- (8) Sugar processing.
- (9) Textile mills.
- (10) Cement manufacturing.
- (11) Feedlots.
- (12) Electroplating and other plating.
- (13) Organic chemical manufacturing.
- (14) Inorganic chemical manufacturing.

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- (15) Plastic and synthetic materials manufacturing.
- (16) Soap and detergent manufacturing.
- (17) Fertilizer manufacturing.
- (18) Petroleum manufacturing.
- (19) Iron and steel manufacturing.
- (20) Nonferrous metals manufacturing.
- (21) Phosphate manufacturing.
- (22) Steam and electric generation plants.
- (23) Ferroalloy manufacturing.
- (24) Leather tanning and finishing.
- (25) Drum or barrel cleaning plants.
- (26) Glass and asbestos manufacturing.
- (27) Rubber processing.
- (28) Timber products processing.

(b) Such person presently discharging to the sewerage system shall, within 60 days from the effective date of the ordinance from which this division is derived, complete and file an application for a permit with the director. The director may also require any other person who is discharging or proposing to discharge wastes into the system to obtain a permit. The director may change the conditions of the permit as circumstances or laws or regulations enacted by the state or federal governments may require. Limitations on the discharge of wastes into the system shall be in accordance and agreement with the current effluent guidelines developed by the federal Environmental Protection Agency. The director shall direct the form the permit application shall use.

(c) Users required to obtain a permit pursuant to this section shall complete and file with the city an application in the form prescribed by the city, accompanied by a fee as set by the council. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location (if different from address).

- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those mentioned in this division, as determined by a reliable analysis laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the act and contained in 40 CFR 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location and elevation.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the

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application pretreatment standard. The following conditions shall apply to this schedule.

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring and engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in subsection (c)(9)a of this section shall exceed nine months.
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.

- (10) Each product produced by type, amount, process and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day).
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

- (13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(d) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a permit subject to the terms and conditions provided in this division.

(Ord. No. 137, art. VIII, § 1, 3-9-1992)

Sec. 38-312. Enforcement of conditions.

The conditions of the permit shall be enforced by the director in accordance with the provisions of this division. Any permit holder who exceeds the conditions and provisions of the permit will be subject to the enforcement provisions of this division and applicable state or federal laws.

(Ord. No. 137, art. VIII, § 2, 3-9-1992)

Sec. 38-313. Annual discharge report.

Each person issued a permit shall submit a signed annual discharge report to the director. The director may require a permit holder to submit more frequent reports if in his judgment the wastes being discharged are possibly in violation of this division. The report shall include, but are not limited to, the nature of the process, volume, rates of flow, mass emissions, production quantities, hours of operation, personnel or other information that related to the generation, handling and discharge of wastes. The report may also include the chemical constituents and quantity of liquid or gaseous materials stored on-site. If insufficient data has been furnished, other information will be provided upon request of the director.

(Ord. No. 137, art. VIII, § 3, 3-9-1992)

Sec. 38-314. Accidental discharges.

All persons discharging wastes to the sewerage system shall notify the water pollution control plant upon accidentally discharging wastes in violation of this division or the user's permit. The notification shall be made as soon after the accidental discharge as possible, but in

no case more than 30 minutes after the accidental discharge. This notification shall be followed within 15 days by a detailed written report describing the causes of the accident and measures being taken to prevent future occurrences. Dates shall be set for completion of such measures, and the completion shall be reported to the director. Notification will not relieve users of liabilities for expenses, loss or damage to the system or downstream, or for any fines imposed on the city on account thereof.

(Ord. No. 137, art. VIII, § 4, 3-9-1992)

Sec. 38-315. Confidential status of information.

All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public without restriction, unless the user specifically requests the information be classified as confidential on the basis of proprietary process. When information is classified confidential, the director shall provide proper and adequate facilities and procedures to safeguard and confidentiality of manufacturing proprietary processes, except that confidentiality shall not extend to waste products discharged to the waters of the state.

(Ord. No. 137, art. VIII, § 5, 3-9-1992)

Sec. 38-316. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(Ord. No. 137, art. VIII, § 6, 3-9-1992)

Sec. 38-317. City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in subdivision I of this division.

(Ord. No. 137, art. VIII, § 7, 3-9-1992)

Sec. 38-318. Compliance with discharge standards; reporting requirements.

(a) It shall be unlawful to discharge without a city permit to any natural outlet within the city or in any area under the jurisdiction of the city, and/or to the POTW, any wastewater except as authorized by the superintendent in accordance with the provisions of this division.

(1) *Permit modification.* Within nine months of the promulgation of a national categorical pretreatment standard the wastewater permit of users subject to such standard shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater contribution permit as required by this subdivision, the user shall apply for a wastewater contribution permit shall submit to the superintendent within 60 days after the promulgation of an applicable federal categorical pretreatment standard the information required by this section.

(2) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- b. Limits on the average and maximum wastewater constituents and characteristics.
- c. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.

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- d. Requirements for installation and maintenance of inspection and sampling facilities.
 - e. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
 - f. Compliance schedules.
 - g. Requirements for submission of technical reports or discharge reports.
 - h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city and affording the city access thereto.
 - i. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
 - j. Requirements for notification of slug discharges.
 - k. Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (3) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city as the limitations or requirements as identified in this division are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (4) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, a new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- (5) *Compliance date report.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (6) *Periodic compliance records.*
- a. Any user subject to a pretreatment standard, after the compliance date

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of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported pursuant to subsection (a)(5) of this section. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which these reports are to be submitted.

- b. The superintendent may impose mass limitation on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (a)(6)a of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass when requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the

administrator pursuant to section 304(g) of the act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(7) *Monitoring facilities.*

- a. The city shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- b. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- c. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the city.

(8) *Inspections and sampling.* The city shall inspect the facilities of any user to as-

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certain whether the purpose of this division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, or records examination or in the performance of any of their duties. The city approval authority, the state department of environmental quality and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with the user's security guards so that, upon presentation of suitable identification, personnel from the city, the state department of environmental quality and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (9) *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way release the user from the responsibility of modifying the facility as

necessary to produce an effluent acceptable to the city under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(b) The city shall annually publish in a newspaper distributed locally a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the users during the same 12 months.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the state department of environmental quality upon request.
(Ord. No. 137, art. VIII, § 8, 3-9-1992)

Secs. 38-319 – 38-340. Reserved.

Subdivision VIII. Industrial Cost Recovery

Sec. 38-341. Generally.

(a) Existing or future industrial users, as identified in the Standard Industrial Classification Manual, 1972, under Division A, B, D, E or I, that contribute process wastes and cooling water to the sanitary sewer system of the city shall be charged a fee in proportion to the amount of the federal grant which is allocable to the treatment of wastes from those users. The fee to be assessed will be determined by flow and strength. As a minimum, any industry's share shall be proportional to its flow in relation to treatment works flow capacity. In computing derivation of charges for cost recovery, the following strength and volume units are used as the basis of design:

<i>Treatment</i>	<i>mg/l</i>
Suspended solids	300
BOD	250
Phosphorous	15

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(b) The industrial cost recovery amount shall be equal to the amount of U.S. EPA participation in project costs. An industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(c) Industries' annual payment shall be amortized over a 30-year cost recovery period and shall not include an interest component.

(d) Industrial users shall be exempt in the cost recovery system if they are governmental users or discharge primarily segregated domestic wastes or other wastes in volumes less than 25,000 gallons per day or equivalent strengths thereof, the latter being calculated using the pollutant concentrations defined by the "normal domestic sewage" definition of this division.

(e) Domestic wastes are attributable to the employees of the industrial facility shall be exempt from the cost recovery system and shall be 15 gallons per employee per work shift. Where the industrial facility feels its employee domestic waste exceeds the 15-gallon exemption, such substantiation shall be submitted to the director, who shall review and make a determination as to the amount of exemption. Such exemption shall be reviewed by the city on an annual basis, with new substantiation of the allowed exemption being submitted to the city upon request of the director. The industrial user shall furnish, on a periodic basis as established by the director, a certified report indicating the number of man-days worked for that period. One man-day shall be equal to one employee working one normal work shift. This certified report shall be used as a basis for establishing the exemption of domestic waste attributable to employees of such industry.

(f) In order to determine the degree to which users must be monitored, "major" and "minor" user categories will be established. Classification of industry into such categories will be at the option of the city, but industry may petition for reclassification based on sound engineering study and/or certified independent laboratory analysis. Major users will be monitored on a regular basis. Minor users will be

monitored only to the extent that such monitoring is reasonable insofar as it is administratively effective to do so.

(g) The initiation of the cost recovery period will be no later than 30 days after the final acceptance of the plant expansion project by the U.S. EPA.

(h) The city will, at annual intervals beginning one year after the start of the industrial cost recovery period, submit the following to the regional administrator:

- (1) Information listing industrial cost recovery amounts charged and collected from industries during the preceding annual accounting period.
- (2) Amount of payments being submitted to the federal government for the period.
- (3) Investments made and the amount of interest earned during the preceding annual accounting period.
- (4) Fiscal status including accrued interest earned on 80 percent of all industrial cost recovery amounts retained by the grantee since initiation of the industrial cost recovery period.
- (5) Certification by the grantee that information submitted is complete and correct and that the grantee has complied with all provisions of the approved industrial cost recovery system.
- (6) A check for the annual payment to the U.S. Environmental Protection Agency.

(i) Significant revisions of the approved industrial cost recovery system must be submitted to and approved by the regional administrator prior to implementation.

(j) An industrial user's payment will be adjusted to reflect significant changes in strength or volume so that the user pays its allocable share.

(k) On abandonment of an industrial facility, the user's cost recovery obligation will cease.

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A new industry will be assessed cost recovery only for the unexpired portion of the cost recovery period. To accomplish compliance with the act, the following records will be maintained:

- (1) Documentation of the final grant amount.
- (2) The originally approved industrial cost recovery system and all materials and correspondence related thereto.
- (3) Any and all subsequently approved revisions to the industrial cost recovery system and all materials and correspondence related thereto.
- (4) The grantee's notification of initiation of operation of the industrial cost recovery system.
- (5) All unusual submissions from the grantee.
- (6) All material relating to approval of the use of retained funds.
- (7) The record of the grantee's annual payments to the EPA.

(Ord. No. 137, art. IX, § 1, 3-9-1992)

Sec. 38-342. Tests of measuring equipment.

In order to determine the strength and volume of a user's waste, the city may require monitoring, control manholes, control manhole locations, and right of inspection. It shall be the obligation of the user to conduct a test on measuring equipment at least once every 12 months or when required by the city to determine the accuracy, and the results thereof shall be furnished in writing to the director. It shall also be the user's responsibility to notify the department within a reasonable time in advance so that the department may, if it chooses, have a witness present during such test. If upon any such test the percentage of accuracy is found to be within the accuracy tolerance as established by the manufacturer's specifications, such measuring equipment shall be determined to have correctly measured the quantity delivered to the sewer system. If, however, the percentage of accuracy tolerance is found to be outside the

accuracy tolerance as established by the manufacturer's specifications, then such measuring equipment shall be immediately adjusted to register correctly the quantity delivered to the sewer system. The billings to such user shall be adjusted for a period extending back to the time when the inaccuracy began, if such time is ascertainable, or for a period extending back one-half of the time elapsed since the date of the last test or the date of the last adjustment, if the time is not ascertainable.

(Ord. No. 137, art. IX, § 2, 3-9-1992)

Sec. 38-343. Engineering study.

If, in the opinion of the director, it is impracticable for the producer to install a meter to measure the industrial waste being discharged in to the sanitary sewer, the director may require that the city perform an engineering study to determine the percentage of water being discharged to the sanitary sewer system. Such engineering study, when approved by the director, shall constitute the basis upon which the industrial cost recovery established by this division shall be computed, and the costs of such study shall be borne by the user.

(Ord. No. 137, art. IX, § 3, 3-9-1992)

Sec. 38-344. Determination of volume of discharge when sewage is not metered.

Where it is not administratively feasible to meter the quantity of sewage delivered to the city sewers, the volume will be construed as being the same as the water delivered to the user by the city water system unless otherwise provided.

(Ord. No. 137, art. IX, § 4, 3-9-1992)

Sec. 38-345. Determination of concentration of waste.

Determination of the average concentration or strength of the waste delivered shall be the obligation of the user. Analysis shall be made on representative samples collected by the user or his agent and at such intervals as the city may designate, but not less than annually. Cost of all

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testing shall be at the user's expense. The city may conduct multiple discharge analysis or may require multiple discharge analysis from an independent testing laboratory. Sampling will be conducted according to accepted methods. Composite or grab sampling, depending on the user's process, may be used.

(Ord. No. 137, art. IX, § 5, 3-9-1992)

Sec. 38-346. Calculating of user's annual cost; collection; disposition of revenue.

(a) The user's annual cost will be determined by volume and strength. Specific values for volume, BOD, SS and phosphorous will be derived by dividing the federal grant cost component attributable to each of the basic design parameters so that a cost is derived per 100 cubic feet of volume and per pound for suspended solids, BOD and phosphorous.

(b) The city, by ordinance, shall establish unit charges to be used in computing the industrial cost recovery share after obtaining recommendation of the city's engineers.

(c) Deposits; manner.

(1) Revenues collected for industrial cost recovery under this subdivision shall be deposited in one of the following accounts:

- a. Industrial cost recovery fund - federal.
- b. Industrial cost recovery fund - local.
- c. Receiving fund - water and sewer fund.

(2) Revenues shall be deposited to these accounts in the following manner:

- a. Fifty percent of all revenue collected shall be deposited in the federal industrial cost recovery fund.
- b. Eighty percent of the remaining revenues shall be deposited in the local industrial cost recovery fund.

c. All remaining revenue shall be deposited in the water and sewer receiving fund.

(d) Revenues collected under this subdivision shall be restricted and may be transferred and disbursed only as provided in this division.

(e) Once a year, on an annual basis, the month of which will be agreed upon between the director and the EPA, all amounts deposited to the federal industrial cost recovery fund, plus all interest earned thereon, shall be returned to the United States Treasury in a manner as may be prescribed by the United States Treasurer or his designee.

(f) Amounts deposited in the local Industrial cost recovery fund, plus all interest earned thereon, may not be transferred or otherwise expended from this fund for any purpose whatsoever, except by resolution of the city council with written approval of the regional administrator of the United States Environmental Protection Agency and then only for the purpose of the expansion and/or reconstruction of water pollution control facilities.

(g) Amounts deposited to the receiving fund may be transferred or otherwise expended to meet any obligation of the sewer fund; provided, however, these funds may not be used to reduce sewer user charges or industrial cost recovery amounts for any person.

(h) Pending use as provided elsewhere in this division, all amounts deposited to the local industrial cost recovery fund for reconstruction and/or expansion shall be invested in obligations of the U.S. government, or obligations of any agency thereof, or such amounts shall be deposited 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.

(i) Charges for industrial cost recovery shall be billed and collected on an annual basis. Bills shall be rendered at least 25 days prior to the due date. The initial bill to be rendered shall be deposited in accounts fully collateralized by obligations of the U.S. government or by obliga-

tions fully guaranteed as to principal and interest by the U.S. government or any agency thereof.

(j) If industrial cost recovery charges are not paid on or before the due date, there shall be assessed a late charge of ten percent or at a rate as determined from time to time by council resolution. If industrial cost recovery charges are not paid within 30 days after the due date thereof, the water services to such premises may be discontinued; and if such water is obtained from a source of supply other than the city's water supply system, the discharge thereof into the city's sewage disposal system shall be illegal and the owner of the property subject to fine or imprisonment, as provided for violation of this Code.

(k) Charges for industrial cost recovery to any premises shall be a lien thereon, and during April of each year the person charged with the management of the system shall certify any such charge which as of April 1 of that year has been delinquent six months or more to the city assessor, who shall enter the charge upon the city tax roll of that year against the premises to which such service had been rendered, and such charges shall be collected and such lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll; provided that when a tenant is responsible for payment of any such charge against any premises located within the boundary of the city and the city is notified in writing, with a true copy of the lease of the affected property (if there be one) attached, then no such charge shall become a lien against such premises from and after the date of such notice. However, in the event of the filing of such notice, no further service shall be rendered by the system to such premises until a cash deposit not to exceed three times the average annual charge to such premises shall have been made as security for the payment of charges thereto.

(l) In the case of premises located outside the corporate limits of the city, which premises are subject to the city industrial cost recovery system, the owners of such premises shall at all

times be liable for such charges and shall make such deposit to insure payment of charges as the city treasurer shall require.

(Ord. No. 137, art. IX, § 6, 3-9-1992)

Secs. 38-347 – 38-360. Reserved.

Subdivision IX. Protection from Damage

Sec. 361. Damaging or tampering with sewer system.

No 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 sewerage system. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

(Ord. No. 137, art. X, § 1, 3-9-1992)

Sec. 38-362. Liability for expense or damage caused by violation.

Any person violating any of the provisions of this division shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. No. 137, art. X, § 2, 3-9-1992)

Secs. 38-363 – 38-380. Reserved.

Subdivision X. Powers of Director

Sec. 38-381. Right of entry.

The director shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division, whether or not an easement has been granted. The director shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewerage system or waterways.

(Ord. No. 137, art. XI, § 1, 3-9-1992)

Sec. 38-382. Liability of city employees when working on private property.

While performing the necessary work on private properties referred to in this division, the director shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the person against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the gauging, sampling operating and inspections, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in this division.

(Ord. No. 137, art. XI, § 2, 3-9-1992)

Sec. 38-383. Entry on easements.

The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private property through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public sewage works lying within such easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 137, art. XI, § 3, 3-9-1992)

Sec. 38-384. Sampling and testing.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division may be made in accordance with test methods as defined in this division and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. If 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of the 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 the premises is appropriate, or whether grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined periodic grab samples.

(Ord. No. 137, art. XI, § 4, 3-9-1992)

Secs. 38-385 – 38-400. Reserved.

Subdivision XI. Enforcement

Sec. 38-401. Suspension of service; suspension of permit.

(a) The city may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, cause interference to the POTW, or cause the city to violate any condition of its NPDES permit.

(b) Any person notified of the suspension of the wastewater treatment service and/or wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be

submitted to the city within 15 days of the date of occurrence.

(Ord. No. 137, art. XII, § 1, 3-9-1992)

Sec. 38-402. Revocation of permit.

Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this division:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

(Ord. No. 137, art. XII, § 2, 3-9-1992)

Sec. 38-403. Notification of violations.

Whenever the city finds that any user has violated or is violating this division, a wastewater contribution permit, or any prohibition, limitation or requirements contained in this division, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

(Ord. No. 137, art. XII, § 3, 3-9-1992)

Sec. 38-404. Show cause hearing.

(a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause before the city council why

the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer or a corporation.

(b) The city council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of an assigned department to:

- (1) Issue in the name of the city council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.

(c) At any hearing held pursuant to this section, testimony taken must be under oath and recorded electronically or stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. No. 137, art. XII, § 4, 3-9-1992)

Sec. 38-405. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this division, federal or state pretreatment re-

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quirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.

(Ord. No. 137, art. XII, § 5, 3-9-1992)

Secs. 38-406 – 38-420. Reserved.

Subdivision XII. Industrial Use of System

Sec. 38-421. Requirements for persons discharging industrial waste.

Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the city with the following information or material and do the following:

- (1) A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of waste to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
- (2) A plan map of the building, works or complex, with each outfall to the surface water, sanitary sewer, storm sewer, natural watercourse, or groundwater noted and described and the waste outlets identified.
- (3) A test sample and reports shall be filed with the city and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations and according to methods approved by the city.
- (4) Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
- (5) A report on raw materials entering the process or support systems, intermediate materials, final products and waste

byproducts, as these factors may pertain to waste control.

- (6) Maintain records and file reports on the final disposal of specific liquids, solids, sludge, oils, radioactive materials, solvents or other waste.
- (7) 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 city, subject to approval of the waste product.

(Ord. No. 137, art. XIII, 3-9-1992)

Secs. 38-422 – 38-440. Reserved.

Subdivision XIII. Connection to Private Systems

Sec. 38-441. Prerequisites for connection; payment of costs.

(a) Before any sanitary sewer system constructed by private, as distinguished from public, funding (referred to in this section as a “private sanitary sewer”) shall be permitted to connect to the public system, the owner of the system (referred to in this section as the “developer”) shall do and provide the city with the following:

- (1) Provide the city with the developer’s plans and specifications for construction, and estimate of the cost of construction, and a performance bond, and deposit with the city the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the city in an escrow account in the name of the developer. The city shall have the right to require the developer to upsize the system for the benefit of future users, and the city shall, upon connection of future users, compute a refund to the developer based upon the percentage benefit received by the upstream users who benefit from the upsizing.

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- (2) Obtain approval of the city of the plans and specifications.
- (3) Secure all necessary permits for construction.
- (4) Upon commencement of construction of the private sanitary sewer, deposit with the city in the escrow account referred to in subsection (1) of this section a sum of 15 percent of the cost of construction of the wastewater system improvements to cover the anticipated cost of inspection of construction and payment of connection charges.

(b) Upon completion of connection of the private sanitary sewer to the system and delivery as-built plans to the city, the performance bond, upon recommendation of the city's engineer and approval of the city council, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the city in assuring the city that the private sanitary sewer is properly operating shall be deducted therefrom or charged directly to the developer, at the option of the city.
(Ord. No. 137, art. XIV, 3-9-1992)

Secs. 38-442 – 38-460. Reserved.

Subdivision XIV. Rates and Charges for City Services

Sec. 38-461. Established; applicability.

Rates and charges for the use of the city sewerage system are hereby established. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connection with the sewer system of the city or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Charges for use of the city sanitary sewer collection system shall be designated as:

- (1) A user charge, which shall distribute operation, maintenance and replacement costs for the city wastewater col-

lection treatment system to each user on a proportional basis.

- (2) A capital charge, which shall distribute capital costs by the city wastewater collection and treatment system to each user on an equitable basis.

(Ord. No. 137, art. XVII, § 1, 3-9-1992)

Sec. 38-462. User charge.

The user charge for service furnished by the sewerage system shall be levied upon each lot or parcel of land, building or premises having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured by meters therein used, and shall be collected in the same manner as provided for the payment of charges for water used; except, in cases where the character of the sewage from a manufacturing or industrial plant, building or premises places a burden upon the system greater than that imposed by normal domestic strength wastewater, additional charges shall be imposed over the regular rates, or the city may if it deems it advisable compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the city before discharging such sewage into the sewage disposal system. Rates for users obtaining all or part of their water supply from sources other than the city's water system shall be determined by gauging or metering the actual sewage entering the system or by metering the water used by them in a manner acceptable to the city. Charges for users shall be computed on the basis of 1,000-gallon units per customer.
(Ord. No. 137, art. XVII, § 2, 3-9-1992)

Sec. 38-463. Benefit charges.

Those persons owning lands in direct proximity to a city sanitary sewer and who desire to make connection to the sewer shall pay a benefit charge for the privilege of each connection to the sewer. Such benefit charge shall be as established from time to time by resolution of the city council. Such benefit charge shall be paid in case or in installments, with interest and penal-

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ties, all as shall be established and provided from time to time by resolution of the city council.

(Ord. No. 137, art. XVII, § 3, 3-9-1992)

Sec. 38-464. Connection charges.

Each premises hereafter connecting to any city sanitary sewer shall pay a connection charge as established from time to time by resolution of the city council. The connection charge shall be paid in cash before a sewer permit is issued. If the developer has made substitute improvements, either as part of the development or subject to a special assessment, then the city manager shall determine a credit to be given to the developer for such improvements, and such credit shall be against the aggregate connection charges and benefit charges.

(Ord. No. 137, art. XVII, § 4, 3-9-1992)

Sec. 38-465. Upstream benefit charge.

Each premises hereafter making connection to a sanitary sewer lateral or interceptor which is upstream of a sanitary sewer interceptor upsized two inches or more in diameter at the city's expense of upsizing and which was not funded through the sale of general obligation sewer bonds shall, in addition to other applicable special assessments, benefit charges, connection charges, or permit or other charges, pay an upstream benefit charge in an amount determined by the department of public works. The amount of the upstream benefit charge shall be the relative portion of the cost of the upsizing, plus eight percent per annum interest, as the benefit of the parcel connected bears to the total benefit to all upstream parcels benefited by the upsizing. The upstream benefit charge shall be paid in cash or in installments, with interest and penalties, all as shall be established and provided from time to time by resolution of the city council.

(Ord. No. 137, art. XVII, § 5, 3-9-1992)

Sec. 38-466. Rates for service to city.

The city shall pay the same sewer rate for service to it as would be payable by a private

customer for the same service. All such charges for service shall be payable from the current funds of the city, or from the proceeds of taxes which the city, within constitutional limits, is hereby authorized and required to levy in amounts sufficient for that purpose.

(Ord. No. 137, art. XVII, § 6, 3-9-1992)

Sec. 38-467. Billing; delinquency penalty.

Charges for all sewage disposal service shall be billed and collected at least quarterly. The frequency of the billings shall be established from time to time by resolution of the city council. All bills paid on or before the 20th day of the month next following the date of billing shall be without penalty, but if unpaid by such date the bill shall thereafter be considered delinquent and shall be subject to a ten percent penalty, or as otherwise determined by resolution of the city council.

(Ord. No. 147, § 1, 1-10-1994)

Sec. 38-468. Enforcement of collection.

(a) *Generally.* The city is hereby authorized to enforce the collection of charges for sewage service to any premises by discontinuing either the water service or the sewage service to such premises, or both, and legal action may be instituted by the city against the customer to collect payment of charges. The following charges for sewage service are a lien on the premises to which furnished, under the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.):

- (1) User charges.
- (2) Capital charges.
- (3) Benefit charges, including upstream benefit charges, and other connection fees.

The city manager or his designee shall, annually on November 1, certify all unpaid user and capital charges for such service furnished to any premises, and any delinquent installment payments for connection fees, benefit charges and upstream benefit charges which, on October 31 preceding, have remained unpaid for a period of

six months, to the city assessor, who shall place the same on the next city tax roll. Such charges so assessed shall be collected in the same manner as general city taxes. Where water service or sewer service to any premises is turned off to enforce the payment of sewage service charges, such service shall not be recommenced until all delinquent charges have been paid, and there shall be a turn-on charge to be set by resolution and changed as necessary from time to time. In such cases or any other cases where, in the discretion of the city manager or his designee, the collection of charges for sewage service may be difficult or uncertain, the city manager may require a deposit of three times the average quarterly sewage bill for the premises as estimated by the director of public works. Such deposit may be applied against any delinquent sewage service charges and the application thereof shall not affect the right of the department to turn off the water service and/or sewer service to any premises for any delinquency not thereby satisfied. No such deposit shall bear interest, and such deposit, or any remaining balance thereof, shall be returned to the customer making the deposit when he shall discontinue receiving sewer service.

(b) *Leased premises.* The provisions of this section shall not apply in any instance where a lease has been legally executed containing a provision that the lessor shall not be liable for payment of sewer bills accruing subsequent to the filing provided for in this subsection, provided that an affidavit with respect to the execution of such a lease or a true copy of the lease of the affected premises, if there be one, shall be filed with the city clerk along with a lease monitoring fee, due annually during the duration of the lease, which amount shall be set by resolution of the council. The monitoring fee shall be due for each full or partial year of the lease. Upon filing of the lease and the fee, then no such charge shall become a lien against the premises from and after the date of such notice. In the event of filing of such notice that the tenant is responsible, the city shall render no further service to such premises until a cash deposit as established by resolution of city council

shall have been made as security for such sewer service. Thirty days' notice shall be given the city clerk by the lessor of any cancellation, change in or termination of the lease. Failure to provide such notice, or failure to file the annual fee, shall render the premises liable for the payment of sewer bills and subject to the lien as provided in this section. Notwithstanding the foregoing, the city may discontinue sewer service to the premises if the responsible person fails to pay the rates, assessments, charges, or rentals for the sewer service. Such discontinuance shall not invalidate or diminish any of the other methods employed by the city to collect any delinquent amounts due.

(Ord. No. 147, § 1, 1-10-1994; Ord. No. 156)

Secs. 38-469 – 38-500. Reserved.

DIVISION 3. STORM SEWERS*

Sec. 38-501. 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:

Base rate means a rate established by the city council and used in computation of the rate to be charged to each parcel under this division.

Natural waterways means the Thornapple River.

Rate means the amount of the stormwater service charge to be billed on an annual basis.

Runoff coefficient means atmospheric precipitation, surface water or cooling water.

Stormwater system means public sewers, drains, ditches, retention ponds, dams, river impoundments, treatment facilities and flood control facilities used for collecting and transporting stormwater.

Surface area means the acreage amount contained within the parcel.

*Cross reference – Storm sewers, § 16-146.

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Usage class means the class of usage assigned to a parcel according to the records of the city assessor.

Usage class factor means a runoff coefficient assigned by the city council to each usage class and used in the computation of the storm sewer service charge.

(Ord. No. 136, § 1, 4-8-1991)

Cross reference – Definitions generally, § 1-2.

Sec. 38-502. Stormwater improvement fund established.

The stormwater improvement fund for the city is hereby established. All stormwater service charges and stormwater improvement permit fees shall be deposited into such fund. All expenditures from the stormwater improvement fund shall be used for the construction, maintenance and improvement of the stormwater system servicing the city.

(Ord. No. 136, § 2, 4-8-1991)

Sec. 38-503. Stormwater improvement permit required.

No person shall improve any sire or lot within the city without securing a permit from the city clerk. Such permits shall be entitled “stormwater improvement permit.” The fee to be charged for stormwater improvement permits shall be as established by resolution of the city council.

(Ord. No. 136, § 3, 4-8-1991)

Sec. 38-504. Stormwater service charge established.

All owners of real property in the city shall be charged for the use of the stormwater system based on the impact of the stormwater entering the stormwater system from the property. The impact of the stormwater from the property on the system shall be determined on the basis of the method of computation set forth in this division. The amount to be charged to each parcel shall be known as the “stormwater service charge.”

(Ord. No. 136, § 4, 4-8-1991)

Sec. 38-505. Computation of charges.

The annual rate to be charged to each parcel within the city under this division shall be determined by a formula established by resolution of the council.

(Ord. No. 136, § 5, 4-8-1991)

Sec. 38-506. Determination of factors affecting charges.

Base rates, usage class factors, surface area, and runoff coefficients shall be determined by resolution of the city council.

(Ord. No. 136, § 6, 4-8-1991)

Sec. 38-507. Exempt parcels.

There shall be no exempt parcels under this division.

(Ord. No. 136, § 7, 4-8-1991)

Sec. 38-508. Billing of charges; appeals.

Stormwater service charge billings may be combined with the billing for other utility services provided by the city or may be billed separately. Disputes regarding storm sewer service charges shall be filed with the city clerk and heard by the city manager. Appeals from the city manager shall be heard by the city council if a written appeal from such determination is filed with the city clerk within ten days after the city manager’s determination.

(Ord. No. 136, § 6, 4-8-1991)

Sec. 38-509. Collection of unpaid charges.

Unpaid stormwater service charges shall constitute a lien against the property affected. Charges which have remained unpaid for a period of six months prior to March 31 of any year may, after notice to the owner, by resolution of the city council, be certified to the city assessor, who shall place the charges on the next tax roll. In the alternative, the city council may direct the city attorney to file suit and to collect unpaid charges.

(Ord. No. 136, § 7, 4-8-1991)