

**TITLE V: PUBLIC WORKS**

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**CHAPTER 50: GENERAL PROVISIONS**

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**GENERAL PROVISIONS**

**§ 50.01 ARSENIC ABATEMENT FEE.**

(A) The City of Brown City hereby determines that it is in the best interests of the City to add the following fees to City utility bills in order to fund and maintain compliance with federal regulations related to arsenic abatement in the City’s water supply:

(1) \$5 per month for residential customers and those commercial customers that employ less than 25 employees;

(2) \$10 per month for those commercial customers that employ 25 or more employees; and

(3) Fees shall not be charged to residential or commercial customers that are either not connected to the City water system or who have requested water service be discontinued in accordance with this title.

(B) The arsenic abatement fee will be assessed starting on 7-1-2005.

(C) This section shall take effect 30 days after adoption. (1997 Code, § 5701A) (Am. Ord. passed 4-25-2005)

**§ 50.02 WATER METER MANDATE.**

(A) The City of Brown City hereby determines that it is in the best interests of the City for all business premises within the City to have water meters to more accurately measure the amount of water being used and to help the City better cover the costs of providing water.

(B) All existing Brown City business premises shall have the meters installed no later than 6-1-2005. All new business premises shall have meters installed prior to or no later than the first day of business.

(C) The City of Brown City shall provide, install, and maintain at its own cost 1 meter per business building. The City shall have discretion whether to pay for additional meters for an already metered building.

(D) Should a person fail to abide by this section, the City shall have the right to enter upon the property and perform the necessary maintenance work to comply with this section and the expense of the maintenance shall be a lien upon the premises upon which the maintenance occurred and may be collected by special assessment to be levied thereon in the manner prescribed for the levying and collecting of special assessments in the City of Brown City.

(E) All new residential, business and industrial construction, except for outbuilding, after June 1, 2005 are required to install a water meter that meets city specifications.  
(1997 Code, § 5801) (Ord. passed 11-22-2004)  
Penalty, see § 50.99

**§ 50.03 SILT TRAPS.**

(A) All service stations, meat markets, slaughterhouses, repair shops and car washes, and any other persons, who by the nature of their business deposit refuse, silt, oil, and other materials into City sewers and drains, shall hereafter install a trap in which refuse, silt, oil, and other materials will be collected, and can be removed therefrom without the depositing of same into City sewers and drains. The installations to be made within 60 days of the effective date of this section.

(B) Other business or individuals not listed specifically in division (A), it will be at the discretion of the City Engineer to determine if silt traps will need to be installed at these premises. Within 21 days of the City Engineer's determination, any person disagreeing with it may appear before the City Council to ask for its review. Otherwise, the City Engineer's determination in such case shall be final.

(C) All persons shall be responsible for the cleaning and maintenance of their silt traps in such a manner as to prevent the refuse, silt, oil, and other materials from being deposited into City sewers and drains.

(D) After written notice to the occupier of the premises, the City Engineer may from time to time

enter upon the premises in which the silt trap is maintained, for the purpose of inspecting the silt traps. In the event he or she shall find the silt trap to be full, clogged, or not in proper use, then the City Engineer shall order the occupier of premises to have the silt trap in working order within 3 days.

Failure of the occupier of premises to do so will be a violation of this section.

(1997 Code, § 5501) Penalty, see § 50.99

**§ 50.04 CROSS CONNECTIONS.**

(A) The City adopts by reference the Water Supply Cross Connection Rules of the Michigan Public Act 399 of 1976 being MCL 325.1005 and DEQ Administrative Rules R 325.11401 - R 325.11407.

(B) It shall be the duty of the DPW Supervisor to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved, shall be as established by the DPW Supervisor, and as approved by the Michigan Department of Environmental Quality.

(C) The DPW Supervisor or his or her representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the City, for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on the property. The refusal of access or the information, when requested, shall be deemed evidence of the presence of cross connections.

(D) The Water Department is hereby authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connection in violation of this section exists, and to take the other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to the property shall not be

restored, until the cross connection(s) has been eliminated, in compliance with the provisions of this section.

(E) 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 section, and by the state and the City plumbing code. Any water outlet that 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:

<p style="text-align: center;">WATER UNSAFE FOR DRINKING</p>
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(F) This section does not supercede the State Plumbing Code and the City codes, but is supplementary to them.  
(1997 Code, § 5316) (Ord. passed 1-10-1977)  
Penalty, see § 50.99

#### § 50.05 SEWER RATES.

The rates to be charged for utilities furnished by the City shall be prescribed by the City Council from time to time.  
(1997 Code, § 5315.1) Penalty, see § 50.99

### **WATER AND SEWER SYSTEM CONNECTION**

#### § 50.21 GENERALLY; DEFINITIONS.

(A) *Generally.* When determined by the City that there exists adequate capacity to provide water and sewer services beyond the existing distribution system, these utilities may be extended if the following criteria are met.

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

**CONNECTION.** Physically joining or connecting a main or mains, service lead, or service pipe to the existing water system or wastewater system.

**CONNECTION FEE.** Those monies charged a property owner for either the connection to the water or wastewater system. The **CONNECTION FEE** includes the cost of the connection and the shared cost of the system.

**REVENUES** and **NET REVENUES.** The meaning as defined in Public Act 94 of 1933, § 3, being MCL 141.101 - 141.138, as amended.

**SERVICE PIPE** or **SERVICE LEAD.** Any pipe which is installed for the purpose of connecting the water or sewer mains of the City to the individual premises where water conveyed therein is to be used or consumed or wastewater is removed.

**SEWER MAIN.** All that part of the wastewater 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 removing wastewater.

**SEWER SYSTEM** or **SANITARY SEWER SYSTEM.** The complete Wastewater Supply System of the City of Brown City, including all plants, works, instrumentalities, and properties used or useful in connection with obtaining a sewer service, the treatment of wastewater, and the distribution of wastewater, either now in existence, acquired pursuant to this subchapter, or hereafter acquired.

**THE WATER SYSTEM** or **WATER DISTRIBUTION SYSTEM.** The complete Water Supply System of the City of Brown City, including all plants, works, instrumentalities, and properties used or useful in connection with obtaining a water supply, the treatment of water, and the distribution of water, either now in existence, acquired pursuant to this subchapter, or hereafter acquired.

**WATER MAIN.** 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.  
(1997 Code, § 5701)

**§ 50.21 APPLICATION FOR SERVICE.**

(A) When the installation of a service pipe or a connection to the City water and/or sewer system is desired, an application for a connection permit shall be made to the City on the forms as shall be prescribed by the City Manager. A nonrefundable \$100 application fee must be paid at the time a request form is submitted. A separate request form and fee must be submitted for each individual tax lot.

(B) After service pipes have been installed or connection to the City water and/or sewer system are made, service may be secured by making application to the City on the forms as shall be prescribed by the City Manager.

(C) An existing main/catch basin must be available with the required capacity to meet the requested need. The City may request the City Engineer evaluate the capacity of the water or sewer lines to ensure there is adequate capacity of the main prior to any approval. The applicant will be required to pay the associated engineering costs.

(D) The City Clerk shall maintain a record of all connection permits issued, and a record of all applications for water and sewer service.  
(1997 Code, § 5702) Penalty, see § 50.99

**§ 50.22 CONSTRUCTION.**

(A) No main or distribution extensions should be required of the City to fill the request. If an applicant desires to extend utility mains they must agree to pay for that extension of the main. All extensions must comply with applicable

ordinances, resolutions, and state law. Any cost for extensions of a main must be paid for in advance of construction.

(B) If any private property or the use thereof is necessary in extension of any public sewers, drains, or water mains within the City, the property owner shall grant an easement to the City in the manner prescribed by City ordinance and state law. However, the party requesting service shall be responsible for securing the easements. But in all cases where the Council shall deem it practicable, the sewers and drains and water mains shall be constructed in the public streets and grounds.

(C) Whenever it shall become necessary to provide sewage, drainage, or water mains for the City and for which a special assessment district is to be formed to pay all or a portion of the expense thereof, the DPW Supervisor shall cause a plan of the sewage, drainage, or water mains to be devised, and the district affected thereby, and shall present the same to the Council. The Council shall then instruct the City Attorney to draw up the necessary resolutions and procedure for forming the special assessment district.

(D) Provided that the Council forms a special assessment district for the purpose of defraying the cost of any sewer, drainage, or water main construction, and the City Council shall determine what portion of the construction cost of the sewer or water main shall be paid by the City, and the portion shall be paid from the general sewer or water fund, and the remainder of the cost shall be defrayed by special assessment upon all taxable lands and premises included within the main or special district as the case may be in proportion to the estimated benefits accruing to each parcel respectively for the construction of the sewer or water main. The assessments shall be made upon reference to any improvements or buildings upon the lands.

(1997 Code, § 5703) Penalty, see § 50.99

**§ 50.23 INSTALLATION OF SERVICE.**

(A) The City shall not grant a connection permit at any time when in the judgment of the City

Engineer or DPW Supervisor the making of connections will endanger the mains from the frost or other damage.

(B) All service connections to sewer and water mains must be made at the expense of the owner of the premises served. The work shall be performed only by the DPW or by a licensed plumber under the direction of the DPW Supervisor as determined by the City. The occupant or owner of the premises applying for a permit for the connection to a sewer or water main in the City of Brown City shall pay those fees set by resolution of the City Council from time to time following a public hearing thereon.

(C) All work performed in connection with supplying water service to any premises, including the installation of all fixtures within the premises, shall be done in accordance with the current Michigan Plumbing Code. All pipes, fittings, fixtures, and all other materials shall be in accordance with the specifications prescribed in the current Michigan Plumbing Code. All the work shall be subject to the inspection of the City Engineer and/or DPW Supervisor before use. (1997 Code, § 5704) Penalty, see § 50.99

#### **§ 50.24 MAINTENANCE OF SERVICE.**

(A) The DPW Supervisor shall not turn on the water in any premises or permit the connection of any premises to a City sewer until all the conditions prescribed by this section and by the current Michigan Plumbing Code or ANSI, AWWA, and NFP 61 standards, as appropriate, have been met, nor until the application for service has been approved by the City indicating that all necessary fees and deposits have been made.

(B) No person shall turn on water to any premises or connect any premises to a City sewer except under the authority of the DPW Supervisor, except that any licensed plumber may temporarily turn on the water for the purpose of testing the pipes only.

(C) Every person having water or sewer service shall at his or her own cost and expense keep in repair all pipes and equipment, except the

water meter, between the water main and the premises and between the City sewer and the premises. It is expressly stipulated that no claim may be made against the City on account of failure to keep the pipe or equipment in repair. The DPW Supervisor is authorized to turn off the water from any premises upon failure to make necessary repairs as required by the City Engineer or DPW Supervisor.

(D) The City reserves the right to shut off the water or sewer services from any premises at any time because of accident or for the purpose of making repairs or extensions. The DPW shall endeavor to give timely notice to the consumers affected thereby and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause, but the failure to give the notice shall not render the City responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom.

(1997 Code, § 5705) Penalty, see § 50.99

#### **§ 50.25 ACCESS TO PROPERTY.**

(A) The DPW Supervisor, or through his or her authorized representatives, shall have free access at all reasonable hours to inspect any premises supplied with water or sewer service and the fact that the owner or occupant of the premises accepts and uses water or sewer service supplied by the City shall constitute a consent to the making of the inspection.

(B) In case any authorized representative of the DPW Supervisor is refused admittance to any premises using City water or sewer service, or in any way hindered in making any necessary inspection or examination, the water or sewer service may be turned off from the premises, after giving 24-hours' notice to the owner or occupant thereof.

(1997 Code, § 5706)

#### **§ 50.26 FEES.**

(A) The requesting party agrees to pay current connection and service/billing fees per City

ordinance/resolution. And all fees must be paid prior to connecting to the system.

(B) If the property of the requesting party is outside the City limits, the owner shall agree to pay double the current connection and service/billing

fees per City ordinance/resolution. And all fees must be paid prior to connecting to the system. Nonresidents billing periods and forms will be the same as for residents.

(1997 Code, § 5707) Penalty, see § 50.99

**§ 50.27 ANNEXATION REQUIREMENTS.**

The City Council shall require that a request for connection to a main or service lead be accompanied by an agreement/application by the property owner for the property to become part of the City through annexation. The connection to the main or service lead shall not be installed until the annexation is approved.

(1997 Code, § 5708) Penalty, see § 50.99

**§ 50.99 PENALTY.**

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

(B) Any person or customer found guilty of violating any of the provisions of § 50.04, or any written order of the City Council in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100, and costs of prosecution, or imprisonment for not more than 90 days, or by both fine and imprisonment. Each day upon which a violation of the provisions of § 50.04 shall occur shall be deemed a separate and additional violation for the purpose of § 50.04.

(1997 Code, § 5316) (Ord. passed 1-10-1977)

## CHAPTER 51: GARBAGE AND RUBBISH

### Section

- 51.01 Definitions
- 51.02 Collection and fees
- 51.03 Charges
- 51.04 Burning
- 51.05 Litter
- 51.06 Enforcement
  
- 51.99 Penalty

### § 51.01 DEFINITIONS.

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

**BURNING.** Commencing a fire on the ground out of doors, or in any receptacle of any kind, for the purpose of burning paper, garbage, litter, rubbish, or refuse, excluding the burning of indoor incinerators, fireplaces, stoves, furnaces or barbecues, indoors or outdoors.

**CITY.** The City of Brown City.

**CLERK.** The City Clerk.

**COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL DISTRICTS.** Those so defined by the Zoning Ordinance of the City.

**GARBAGE.** Animal, fruit, and vegetable waste material resulting from the handling, preparation, cooking, and consumption of foods in kitchens, stores, markets, hotels, restaurants, and other places where food is stored, cooked, or consumed, and the containers, tin cans, and the like, therefrom.

**HAZARDOUS REFUSE.** Explosives, chemicals, radioactive materials, highly inflammable material, and any material that is dangerous and would result in serious hazards, including poisons of all forms.

**LITTER.** Garbage, refuse, rubbish as defined herein, and other waste materials, bottles, cigarette and candy wrappers, or other forms of paper, if thrown or deposited as herein prohibited, that tends to create a danger to the public health, safety, and welfare, and to detract from the appearance of the various properties, streets, alleys, or public places in the City.

**PAPER.** Newspapers, paper, cardboard boxes, bags, and other materials that are made out of **PAPER** and are 90% combustible and burnable, and which burn with a minimum of smoke and odor.

**PERSON.** Any individual, firm, co-partnership, or corporation.

**PRIVATE PREMISES.** Any lot or parcel of land owned or occupied by any person, whether or not improved, or any dwelling house, building, or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard grounds, walk, gravel, porch, steps, vestibule, or mailbox belonging or appurtenant to any dwelling house, building, or structure erected thereon.

**PUBLIC PLACE.** Any and all streets, sidewalks, boulevards, alleys, or other public ways and all public squares, spaces, grounds, and buildings.

**REFUSE.** Non-burnable material or materials with a low combustible rate, yard clippings, wood, broken tools, implements, and various materials accumulated by householders that have worn out, become outdated, and been disposed of, including ashes, cement, dead stumps, trees, and limbs.

**RUBBISH.** All waste and combustible material that is at least 95% combustible and burnable, except for garbage and paper. (1997 Code, § 6801)

**§ 51.02 COLLECTION AND FEES.**

(A) (1) From and after 1-30-1974, the City, through its City Council, may license, for a period not to exceed 3 years at a time, 1 or more persons, firms, or corporations to take, carry away and dispose of all garbage and other refuse matter from houses and other buildings in the City.

(2) No person shall take or convey through the streets any garbage or other refuse matter without a license.

(3) The license shall be issued by the City Clerk, upon direction of the City Council and payment of a fee of \$10 per year in advance by the licensee.

(4) The persons, firms, or corporations licensed to haul garbage shall receive no compensation from the City, and shall furnish at all times a performance bond, in the form, manner and amount as the City Council shall direct.

(5) However, the persons, firms, or corporations licensed shall be responsible for picking up of garbage, refuse, and rubbish in the City in accordance with the provisions hereinafter set forth.

(6) There will be a pickup of residential garbage at least once a week.

(7) Residents will be informed of the time and place to set garbage cans for pickup.

(8) Garbage cans will be a can, either metal, plastic, or other approved material, not in excess of 20 gallons in capacity, with a closed tight cover thereon, and in sufficient condition to keep the garbage securely contained therein.

(9) When full or otherwise, no can of garbage shall weigh in excess of 60 pounds.

(10) All residents shall place their garbage in paper or plastic bags, or wrap the same in paper, prior to placing it in the garbage can.

(11) No garbage cans shall be stored on the streets, alleys, sidewalks, or other public places, except for a period of 24 hours prior to pickup thereof.

(B) (1) The City, or the persons, firms, or corporations as the City may designate, shall pick up rubbish and refuse of the citizens at least once a month.

(2) All rubbish and refuse shall be separated and shall be placed in containers, piled and bundled, or placed for pickup in such a manner and such a size that it shall be capable of being loaded into a packer-type truck.

(3) Any residents having questions thereon may consult with the garbage pickup crew or the City for instructions as to size and manner or for preparing rubbish or refuse.

(C) (1) All hazardous refuse shall be separately contained and marked as such.

(2) All commercial establishments will be contacted, whereby a schedule of time, and frequency of pickup of garbage, rubbish, or refuse to meet the requirements of each individual commercial establishment will be agreed upon, between the commercial establishment and the persons, firms or corporations as the City may designate.

(3) Commercial establishments shall not be required to wrap their garbage or place the same in paper bags, but shall be required to meet all other requirements of residential owners in the size and caliber of garbage can.

**Brown City - Public Works**

(4) All cardboard boxes, containers, wood and papers, shipping crates and pallets shall be broken down, flattened, and packed in a manner to allow convenient loading into a packer-type truck.

(D) (1) The City may place an official tag, with the caption "CONDEMNED" and the date of condemnation, on any container that it determines to be badly broken or so faulty as to constitute an unsanitary condition.

(2) Once a container is condemned, it may be classified rubbish and collected as such at any time after 3 days from date of condemnation.

(3) The City Clerk may also, by use of appropriate cardboard tags, notify property owners of other violations of City ordinances or rules and regulations.

(4) All refuse, rubbish, and garbage containers shall be watertight, and stored in such a place that, at the time of pickup, they are not saturated with water, snow, or other liquids that make the picking up thereof difficult or unpleasant.

(E) It shall be unlawful for any person other than the owner or occupant, his or her employees or agents, or the persons, firms, or corporations as the City Council shall designate, to tamper or meddle with any garbage container, bundle or bushel basket, or to remove the contents thereof from the location of where the same shall have been properly placed pending collection.

(F) It shall be the duty of every person occupying or controlling any lot, building, or structure of any kind, or any portion thereof, including apartments, to remove, or cause to be removed therefrom, before vacating the same, all refuse, garbage, rubbish, or litter.

(G) (1) There shall be no duty upon the City to pick up industrial waste or garbage.

(2) This shall not be deemed to prohibit persons, firms, or corporations as the City Council shall designate from picking up the industrial waste or garbage from any plant, upon the signing of a satisfactory agreement between the industry and the persons, firms, or corporations as the City Council may designate.

(H) It shall be unlawful and a violation of this chapter for any person to take garbage or refuse from 1 private premises to another private premises or to a public place, for the purpose of having the garbage or refuse picked up and to avoid paying a charge therefor.

(I) It shall be unlawful for any person to bring garbage or refuse from outside the City, for the purpose of having it picked up at a private premises or public place within the City. (1997 Code, § 6802) Penalty, see § 51.99

**§ 51.03 CHARGES.**

(A) Under this chapter, charges for garbage, refuse, rubbish, or litter pick up may be billed in a manner the Council shall deem fit.

(B) Any charges unpaid and past due in excess of 60 days shall incur a penalty of 10%.

(C) An additional charge of 1% per month of the unpaid sum shall be made.

(D) Under this chapter, any charges that are delinquent in excess of 60 days on March 1 of any year may be returned as unpaid taxes, which shall become a lien on the land and premises furnished for the garbage pick up.

(E) The following rates shall be in effect for the services hereinbefore set forth, and may be adjusted from time to time by the City Council.

(F) Except as hereinafter set forth, garbage and refuse pick up for residential customers, \$6.60 per quarter.

(G) Multi-family dwellings shall pay 1 residential charge for each apartment or each

family living in the dwelling.

(H) Senior citizens, as defined under the general state tax law, shall pay \$3 per family per quarter.

(I) Garbage and refuse pick up for professional and commercial establishments not having in excess of 1 can of garbage or rubbish per week: \$7.50 per quarter.

(J) All charges for commercial and/or industrial establishments with more than 1 container per week shall be based upon amount, with the same charge for each establishment using an equal amount.

(K) The amount shall be negotiated between the establishments and the persons, firms, or corporations as the City Council may designate, based upon the amount and frequency of pick up. (1997 Code, § 6803)

**§ 51.04 BURNING.**

(A) (1) The commercial area in the City is hereby declared to be a fire district from and after 1-30-1974.

(2) There shall be no burning of any type in the commercial district, except in indoor incinerators, fireplaces, and furnaces.

(3) It shall be unlawful to burn garbage, refuse, litter, or rubbish or any other material that tends to create an offensive odor or smoke within the City.

(4) This shall not be construed to prohibit the operation of furnaces or fireplaces with the type of fuel intended therefor.

(B) It shall be unlawful for any persons to do any outside burning within the City in the industrial area.

(C) (1) It shall be unlawful for any persons to do any burning within the City in the residential area, except by special permit, which may be obtained by application from the City Clerk.

(2) Any fees therefor will be set from time to time by resolution of the Council.

(D) (1) The persons, firms, or corporations as the City Council shall designate are hereby authorized to pick up as rubbish any containers used for burning in a commercial or industrial area.

(2) It shall be unlawful in any area, residential and/or commercial, to store or accumulate junk, trash, rubbish, or refuse of any kind in such a manner as to cause blight to exist, which would result in an undesirable neighborhood; provided this shall not be construed to prohibit the placing of the trash, rubbish, junk, or refuse in the proper place as designated by the City Clerk, or the persons, firms, or corporations as the City Council shall designate, for pick up thereof, for a period not to exceed 48 hours prior to the pickup.

(3) All trash, rubbish, junk, or refuse shall be neatly stored away from the public view, preferably inside of a building at all other times, except the same may be placed at the designated spot for pickup for a period of 48 hours while it is awaiting the pickup.

(4) It shall be unlawful to store junk automobiles upon any property, public or private, except in a completely enclosed building.

(5) For the purpose of this chapter, the term **JUNK AUTOMOBILE** shall include any motor vehicle that is not currently licensed for use upon the highways of the state. It shall also include any motor vehicle, whether currently licensed or not, that is left in a public place for a period in excess of 30 days, and is not moved by the owner or his or her agent within the 30-day period.

(1997 Code, § 6804) Penalty, see § 51.99

**§ 51.05 LITTER.**

(A) (1) No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City, except in public receptacles or in authorized private receptacles.

(2) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any public or private property.

(B) (1) The owner or person in control of any private premises shall at all times maintain the premises free of litter, provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(2) The owners or persons in control of any private premises shall at all times maintain the premises free of noxious weeds and grasses, unsafe trees, or limbs.

(3) All owners are required to cut weeds and grasses on vacant lots or other premises prior to the same going to seed.  
(1997 Code, § 6805) Penalty, see § 51.99

#### § 51.06 ENFORCEMENT.

(A) Any person may make a complaint to the City Clerk for the violation of any provision of this chapter, relative to blight, litter, storage of junk, refuse, and rubbish, storage of junk motor vehicles or improper burning.

(B) The City Manager may have the police investigate the same.

Any person, firm, or corporation who violates any provision of this chapter, or any amendment thereof, including the owner, possessor, or occupier of any premises within the City who allows or suffers the violation upon the premises, is "responsible" for having committed a municipal civil infraction, as provided for in Public Acts 12, 17 and 19 of 1994 being MCL 600.8701 et seq., 117.41, 117.29 and 89.2; the violation is punishable by a civil fine of \$50 for a first violation, \$100 for a second violation, and \$150 for a third violation. The City Council may hereafter modify, change, increase, or decrease the civil fines set forth above, by the adoption of a resolution to that effect as provided by law and this chapter. In addition, costs of the action may be taxed and

(C) If it is deemed that the complaint is justified, they shall mail a notice certified mail to the owner or occupant in charge of the premises, at his or her last known address, giving him or her 10 days to cease the activity or remove the blight, trash, junk motor vehicles, or litter.

(D) If the owner or person in charge of any premises notified to abate the nuisance shall fail to do so within the 10-day period, then the City Clerk, or the persons, firms, or corporations as the City Council shall designate, shall enter upon the private premises and abate the condition, by removing the litter, rubbish, junk motor vehicle, trash or blight, and cleaning the private premises.

(E) The cost of abating the conditions, plus additional cost of 15% for overhead and other expenses, shall constitute a lien against the private premises that shall be charged to the occupant or owner thereof as the case may be.

(F) If the charge is not paid within 60 days after the bill for the charges is rendered, the charge may be collected as a single assessment against the premises, in the manner provided by law or any manner authorized for the collection of debts owed the City.  
(1997 Code, § 6806)

#### § 51.99 PENALTY.

imposed against the defendant. Costs are not limited to costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the plaintiff (the City or other enforcing municipality, agency, or other entity) has been put in connection with the municipal civil infraction, up to entry of judgment. In addition, any sanctions, writ, other court order, or other post judgment remedy, as provided by law, necessary to enforce this chapter and correct or abate a violation, or necessary to enforce any orders and determinations of the court, judge, or district court magistrate, including civil contempt proceedings, may be issued as appropriate and as provided for by law, including but not limited to the imposition of liens against real estate interests, seizure of

property, attachment and garnishment and including post judgment enforcement costs and expenses as provided for by law, including any other enforcement authority set forth in any ordinance. This chapter is enforceable by the judge or magistrate, and by the City or other enforcing agency or entity to the fullest extent as provided by law relative to violations of municipal civil infractions. The enumeration of certain powers and remedies within this section is not intended to restrict any enforcement authority or remedy or sanction provided for by law, specifically including Public Acts 12, 17, and 19 of 1994 being MCL 600.8701 et seq., 117.41, 117.29 and 89.2. Provided further, however, a violation of this chapter is not a misdemeanor and shall not be considered a lesser included offense of any criminal offense. Each day that a violation continues constitutes a separate and independent violation and is subject to the penalties provided for herein for each such violation. A violation of this chapter is hereby declared to be a public nuisance per se. The municipal civil infraction notice or citation may be served personally or as otherwise provided by law and if the violation involves the use, condition, or occupancy of land or of a structure, the notice or citation may be posted upon the premises or attached to the structure at issue, with a copy sent by first-class mail to the owner at his or her last known address, and/or the owner and address as disclosed by the City tax rolls. Failure to appear or respond to any notice and/or citations relative to a municipal civil infraction shall be subject to the penalty as is otherwise provided by law.  
(1997 Code, § 1105A)

## CHAPTER 52: WATER DISTRIBUTION AND SEWER SYSTEM

### Section

- 52.01 Definitions
  - 52.02 Application for service
  - 52.03 Construction
  - 52.04 Installation of service
  - 52.05 Maintenance of service
  - 52.06 Meters
  - 52.07 Rates
  - 52.08 Collection of delinquent charges
  - 52.09 Lien for delinquent charges
  - 52.10 Discontinuance of service
  - 52.11 Access to property
  - 52.12 Use of hydrants and fire equipment
  - 52.13 Use of water
  - 52.14 Records and funds
- Table 1: City Utility Rate Tables

**PROJECT COSTS or COSTS.** The **COSTS** of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing a public improvement, including any engineering, architectural, legal, accounting, financial, and other expenses incident to the public improvement. **PROJECT COSTS** include interest on the bonds, and other obligations of the borrower issued to pay during the period of construction and until full revenues are developed. **PROJECT COSTS** include a reserve or addition to a reserve for payment of principal and interest on the bonds, and the amount required for operation and maintenance until sufficient revenues have developed.

### § 52.01 DEFINITIONS.

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

**CONNECTION.** Physically joining or connecting a main or mains, service lead or service pipe to the existing water system or wastewater system.

**GARBAGE AND RUBBISH COLLECTION AND DISPOSAL FACILITIES.** Incinerators, disposal grounds, and all instrumentalities, facilities, and properties used or useful in connection with the collection and disposal of garbage and rubbish.

**NET REVENUES.** The revenues of a public improvement remaining after deducting the reasonable expenses of administration, operation, and maintenance of the public improvement.

**PUBLIC IMPROVEMENTS.** Includes the following improvements: sewage disposal systems, including sanitary sewers, combined sanitary and storm sewers, plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, or disposal of sewage or industrial wastes; storm water systems, including storm sewers, plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, or disposal of storm water; water supply systems, including plants, works, instrumentalities, and properties used or useful in connection with obtaining a water supply, the treatment of water, or the distribution of water. The term **PUBLIC IMPROVEMENT** means the whole or a part of any of these improvements, or of any combination of these improvements, or any interest or participation in these improvements, as determined by the governing body. This definition does not broaden or enlarge the extent of a particular public improvement made by a public corporation.

**RATES.** The charges, fees, rentals, and rates that may be fixed and imposed for the services, facilities, and commodities furnished by the City.

**REVENUE.** The income derived from the rates charged for the services, facilities, and commodities furnished by a public improvement. **REVENUES** include, to the extent provided in the authorizing ordinance, earnings on investment of funds of the public improvement, and other **REVENUES** derived from or pledged to operation of the public improvement.

**SERVICE PIPE** or **SERVICE LEAD.** Any pipe that is installed for the purpose of connecting the water or sewer mains of the City to the individual premises, where water conveyed therein is to be used or consumed, or wastewater is removed therefrom.

**SEWER MAIN.** All that part of the wastewater distribution system that is located within the right-of-way lines of the several streets and alleys of the City, or within easements on private property that is the property of the City, or held and controlled by the City for the purpose of supplying water for the inhabitants thereof, or for the purpose of fighting fire within the City, or removing wastewater therefrom.

**SEWER SYSTEM** or **SANITARY SEWER SYSTEM.** The complete wastewater supply system of the City, including all plants, works, instrumentalities and properties used or useful in connection with obtaining a sewer service, the treatment of wastewater, and the distribution of wastewater, either now in existence, acquired pursuant to this ordinance, or hereafter acquired.

**UTILITY** or **UTILITIES.** Use fees for water, sanitary sewer, storm sewer, water tower and water main maintenance, arsenic abatement, and garbage collection.

**WATER MAIN.** 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.

**WATER SYSTEM** or **WATER DISTRIBUTION SYSTEM.** The complete water supply system of the City, including all plants, works, instrumentalities and properties used or useful in connection with obtaining a water supply, the treatment of water, and the distribution of water, either now in existence, acquired pursuant to this ordinance, or hereafter acquired. (1997 Code, § 5301) (Am. Ord. passed 5-23-2005)

**§ 52.02 APPLICATION FOR SERVICE.**

(A) When the installation of a service pipe or connection to the City sewer is desired, an application for connection permit shall be made to the Clerk on the forms as shall be prescribed by the City Attorney.

(B) After service pipes have been installed or connection to the City sewer made, service may be secured by making application to the Clerk on the forms as shall be prescribed by the City Attorney.

(C) The Clerk shall maintain a record of all connection permits issued, and a record of all applications for water and sewer service. (1997 Code, § 5302)

**§ 52.03 CONSTRUCTION.**

(A) It shall be the duty of the City Engineer, under the direction of the City Council, to establish, construct, maintain, repair, and reconstruct sewers, drains, and water mains with the City whenever and wherever necessary and under the regulations as they may deem proper, and of the dimension and materials as they may deem proper for the drainage and supply of water to the City.

(B) If any private property or the use thereof is necessary in the construction of any public sewers, drains, or water mains within the City, the private property or the use thereof may be acquired in the manner prescribed by state law for the taking of property for public use. But in all cases where the Council shall deem it practicable, the sewers, drains, and water mains shall be constructed in public streets and grounds.

(C) Whenever it shall become necessary to provide sewage, drainage, or water mains for the City, and for which a special assessment district is to be formed to pay all or a portion of the expense thereof, the City Engineer shall cause a plan of the sewage, drainage, or water mains to be devised, and the district affected thereby, and shall present the same to the Council. The Council shall then instruct the City Attorney to draw up the necessary resolutions and procedure for forming the special assessment district.

(D) Cost and expense of establishing, constructing, and reconstructing any main or trunk sewers and water mains, at the discretion of Council, shall be paid from the General Sewer and Water Fund; provided that the Council may make any agreement with any private owner or property holder within the City for the reimbursement to the City of any portion of the construction cost of the sewer or water lines from which a benefit shall inure to the property holder. Provided further, that the Council shall form a special assessment district for the purpose of defraying the cost of any sewer, drainage, or water main construction, and the City Council shall determine what portion of the construction cost of the sewer and water main shall be paid by the City, and the portion shall be paid from the General Sewer and Water Fund, and the remainder of the cost shall be defrayed by special assessment upon all taxable lands and premises included within the main or special district, as the case may be in proportion to the estimated benefits accruing to each parcel respectively for the construction of the sewer or water main. The assessments shall be made upon reference to any improvements or buildings upon the lands.

(E) The City Engineer under the direction of the City Council shall have the authority to

construct and lay any water main, trunkline, or lateral sewers in the City of Brown City or make any repairs thereto without reference to a special assessment district, provided the cost of construction, maintenance, or repair shall be paid from the General Sewer and Water Fund of the City of Brown City.

(1997 Code, § 5303)

#### § 52.04 INSTALLATION OF SERVICE.

(A) The Clerk shall not grant a connecting permit at any time when, in the judgement of the City Engineer, the making of connections will endanger the mains from frost or other damage.

(B) The service connection to sewer and water mains must be made at the expense of the owner of the premises served. The work shall be performed only by the DPW or by a licensed plumber under the direction of the DPW Supervisor as determined by the City. The occupant or owner of the premises applying for a permit for the connection to a sewer or water main in the City shall pay those tap-in and connection fees, set by resolution of the City Council from time to time, following a public hearing thereon. The fees include the cost to physically connect to the system and the cost to buy into the system, and shall be used to regulate and control the use and distribution of water and sewer services provided by the City.

(Am. Ord. passed 5-10-1999; Am. Ord. passed 8-25-2003)

(C) All work performed in connection with supplying water service to any premises, including the installation of all fixtures within the premises, shall be done in accordance with rules and regulations issued by the City Engineer, with the approval of the Council. All pipes, fittings, fixtures, and all other materials shall be in accordance with the specifications prescribed in the rules and regulations. Before use, all the work shall be subject to the inspection of the City Engineer.

(1997 Code, § 5304) Penalty, see § 10.99

**§ 52.05 MAINTENANCE OF SERVICE.**

(A) The City Engineer shall not turn on the water in any premises or permit the connection of any premises to a City sewer until all conditions prescribed by this chapter and the rules and regulations have been met, nor until the application for service has been approved by the Clerk, indicating that all necessary fees and deposits have been made.

(B) No person shall turn on water into any premises or connect any premises to a City sewer except under the authority of the City Engineer, except that any licensed plumber may temporarily turn on the water for the purpose of testing the pipes only.

(C) Every person having water or sewer service shall, at his or her own cost and expense, keep in repair all pipes and equipment, except the water meter, between the water main and the premises, and between the City sewer and the premises. It is expressly stipulated that no claim may be made against the City on account of failure to keep the pipe or equipment in repair. The City Engineer is authorized to turn off the water from any premises, upon failure to make necessary repairs as required by the City Engineer.

(D) The City reserves the right to shut off the water or sewer services from any premises at any time because of accident or for the purpose of making repairs or extensions. The City Engineer shall endeavor to give timely notice to the consumers affected thereby, and shall, as far as practical, use his or her best efforts to prevent the inconvenience and damage arising from any such cause, but the failure to give the notice shall not render the City responsible or liable to damages for any inconvenience, injury, or loss that may result therefrom.

(1997 Code, § 5305) Penalty, see § 10.99

**§ 52.06 METERS.**

(A) The City Council shall have the authority to order the installation of a water meter on any commercial or industrial premises in the City.

(B) Water meters shall be furnished by the City, but shall be installed at the expense of the consumer, or under the direction of the City Engineer.

(C) Title and ownership of water meters shall be vested in the City. The City will maintain all meters and make all necessary repairs and replacements caused by normal usage. However, the consumer will be held responsible for care and protection of the meter from freezing, damage by hot water, or from injury by any person. Upon presentation of the statement of damages, any damage that may occur to any water meter due to carelessness on the part of the tenant, owner, or agent of the property on which the meter is placed shall be paid for by the person.

(D) If any meter gets out of order or fails to register, the consumer will be charged for the water and sewer service at the average consumption rate, as shown by figures over the period preceding four water and sewer terms when the meter was accurately registering.

(E) It shall be unlawful for any person to attach a water meter to any service pipe unless the meter has been furnished by the City.

(F) It shall be unlawful for any person to cause or permit a bypass or connection around a meter. All water furnished by the City and used on any premises must pass through the meter placed upon the premises or installed for the purpose of measuring the water supplied to the premises.

(G) The City shall not install a water meter upon any premises unless meters are to be installed upon all like premises within the City. (1997 Code, § 5306) Penalty, see § 10.99

**§ 52.07 RATES.**

(A) (1) The rates to be charged for utilities furnished by the City shall be as prescribed by the City Council in the City Utility Rate Table.

(2) Commencing 7-1-2005, utility bills shall be in the amount listed on Tables 1 or Table 2 as appropriate, and provided to City customers not later than the first day of each fiscal quarter.

(B) There shall be a 10% penalty added to any bill if payment is not made within 20 days after the due date shown on the bill. In the event any such bill is not paid within 30 days after its due date, the Deputy Clerk shall, following appropriate notice as detailed below to the owner, without further notice order the DPW to shut off all water on any premises delinquent in payment of water or sewer services until the bills and the penalty are paid in accordance with the following process:

(1) It is the policy of the City to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The City's form for application for utility service and all bills shall contain the telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) All bills are due and payable on or before the date set forth on the bill;

(b) Any bill not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) Any customer disputing the correctness of his/her bill shall have the right to a hearing at which time he or she may be represented in person and by Council or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the City official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service

will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the City to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum set by the City Council from time to time.

(C) Every consumer shall be liable to pay the utility service rate from the time they shall commence using the service until the Deputy Clerk shall be notified in writing to discontinue utilities.

(D) The owner of any premises shall be liable to the City for the payment of any utility service fees to the premises. In the event that any tenant of the premises should default in the payment of any utility service fees or penalties to the premises, the Deputy Clerk shall notify the owner thereof at least 10 days and again 24 hours prior to the shutting off service to the premises.

(E) Service to the premises shall not be turned on until all charges and the penalty therefor are paid in full.

(1997 Code, § 5307) (Am. Ord. passed 11-23-1998; Am. Ord. passed 5-23-2005)

#### **§ 52.08 COLLECTION OF DELINQUENT CHARGES.**

(A) Delinquent utility service charges may be collected by suit in assumpsit brought in the name of the City against the owner or occupant of the premises or property, or both.

(B) Any utility rate or charge not paid within 20 days after it shall become due and payable shall be considered to be delinquent.

(C) The production of the books of the Deputy Clerk shall be prima facie evidence of the liability to pay the amount therein charged.

(1997 Code, § 5308) (Am. Ord. passed 5-23-2005)

**§ 52.09 LIEN FOR DELINQUENT CHARGES.**

(A) The City shall have as security for the collection of any utility service rates or charges due, or to become due, for the use or consumption of utility service supplied to any house or other building, or any premises, lot or lots, parcel or parcels of land, a lien upon the house or other building, and upon the premises or lot or lots, parcel or parcels, upon which the house or other building shall be situated or to which the utility service was supplied. The lien shall become effective immediately upon the connection of the water system or sewer system to the premises or property. The official records of the Deputy Clerk shall constitute notice of pendency of the lien.

(B) The lien created by this action shall have priority over all other liens, except liens for taxes or special assessments, whether or not such other liens accrued or were recorded prior to the lien therein created.

(C) All unpaid utility service charges which, upon September 1 of each year, have remained unpaid for 1 month or more, shall be reported by the Deputy Clerk to the Council at the first meeting thereof in the month of September. The Council shall thereupon order the publication in a newspaper published in the City a notice to all owners of property within the City that all unpaid water or sewer service rates, or charges, which have remained unpaid for a period of one month or more, as of September 1, which have not been paid by the previous August 30, will be transferred to the tax roll and assessed upon the City's tax roll against the property upon which the utility was used.

(D) All unpaid utility service rates or charges, which are so reported and remain unpaid on the following August 30, shall be transferred to the City tax rolls and assessed against the property to which the utility service was supplied or furnished, which unpaid rates 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 in the warrant for the collection of taxes levied in the rolls, the charges shall be returned to the County Treasurer to be collected in

the same manner as the lien created by City taxes on the delinquent tax roll of the City. (1997 Code, § 5309) (Am. Ord. passed 5-23-2005)

**§ 52.10 DISCONTINUANCE OF SERVICE.**

(A) In all cases where the owner or owners of property supplied with utilities, or an authorized representative, shall notify the Deputy Clerk, in writing or in person, taking a receipt for the notice, to have the utilities or portion thereof turned off, it shall be done under the direction of the DPW Supervisor, and when requested, in writing or in person, that it be turned on, it shall be done under the direction of the DPW Supervisor.

(B) No charge shall be made for turning off water or turning it on, except when the water is shut off by reason of nonpayment of the water or sewer service charges. In that case, before ordering the water turned on, the Deputy Clerk shall collect from the consumer a sum, set by resolution of the City Council from time to time, in addition to the water or sewer charge. (1997 Code, § 5310) (Am. Ord. passed 11-23-1998; Am. Ord. passed 5-23-2005)

**§ 52.11 ACCESS TO PROPERTY.**

(A) The City DPW Supervisor, through his or her authorized representatives, shall have free access, at all reasonable hours, to inspect any premises supplied with water or sewer service, and the fact that the owner or occupant of the premises accepts and uses water or sewer service supplied by the City shall constitute a consent to the making of the inspection.

(B) In case any authorized representative of the City DPW Supervisor is refused admittance to any premises using City water or sewer service, or in any way hindered in making any necessary inspection or examination, the water may be turned off from the premises, after giving 24-hours' notice to the owner or occupant thereof. (1997 Code, § 5311)

**§ 52.12 USE OF HYDRANTS AND FIRE EQUIPMENT.**

(A) No person shall, without written authority, draw water from any public hydrant or any other

(B) When the installation of private fire protection equipment is desired on any premises, an application shall be made to the Clerk in writing.

A permit, countersigned by the City Engineer, may be issued by the Clerk, but only upon the express provision that the installation shall be made only under the supervision of the City Engineer.

(C) Where pipes are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, no water shall be taken through the opening or hose for any purpose other than to extinguish fire or to test fire equipment. Testing of the fire equipment shall be conducted only under the supervision of the City Engineer.

(D) Upon violation of any of the provisions of this section, the permit for fire protection equipment may be revoked and the equipment ordered removed.

(1997 Code, § 5312) Penalty, see § 10.99

**§ 52.13 USE OF WATER.**

(A) No person shall, without the City's written consent, take or use City water or sewer service from premises other than his or her own. No person shall sell water or sewer service from his or her own premises for any purpose.

(B) No connection through which water or sewage may pass from 1 property to another shall be constructed, notwithstanding that the ownership of both properties may be the same.

public connection with the water supply system, except in emergency cases for the purpose of extinguishing fire, or fire practice by the regularly organized Fire Department.

(C) Whenever 2 or more premises shall be supplied with water from 1 service pipe, connected from 1 distributing main, upon the failure of the part of any 1 of the owners of the premises to comply with this chapter, or the rules and regulations adopted pursuant thereto, the City Engineer shall cause the water to be shut off from the service pipe without any liability whatever, and all payments made by any of the parties shall be forfeited. The water shall not be turned on again until a separate service is provided for each premises.

(1997 Code, § 5313) Penalty, see § 10.99

**§ 52.14 RECORDS AND FUNDS.**

The City shall keep and maintain proper books, records, and accounts, separate from all other records and accounts of the City, in which shall be made full and correct entries of all transactions relating to the system. The City shall cause an annual audit of the books, records, and accounts of the preceding operating year to be made by a recognized, independent certified public accountant, and, upon proper request as required by Public Act 2 of 1968 being MCL 141.421 - 141.440, will supply the audit to authorized public officials. The City shall use the results of the audit to ensure proportionality, and to make adjustments in funds with deficiencies or surpluses. Any adjustments necessary for operation and maintenance costs shall be passed on to users of the system.

(1997 Code, § 5314)

**TABLE 1: CITY UTILITY RATE TABLES**

<b>As of 7/1/2005</b>	<b>Garbage</b>	<b>Water</b>	<b>Tower/line Maint.</b>	<b>Arsenic Project</b>	<b>Sanitary Sewer</b>	<b>Storm Sewer</b>	<b>Total</b>	
<b>regular rate</b>								
<b>1 person</b>	\$24.50	\$53.70	\$3.50	\$15.00	\$21.75	\$2.00	<b>\$120.45</b>	1 person
<b>2 person</b>	\$24.50	\$57.31	\$3.50	\$15.00	\$27.85	\$2.00	<b>\$130.16</b>	2 person
<b>3 person</b>	\$24.50	\$61.10	\$3.50	\$15.00	\$33.95	\$2.00	<b>\$140.05</b>	3 person
<b>4 person</b>	\$24.50	\$65.08	\$3.50	\$15.00	\$40.05	\$2.00	<b>\$150.13</b>	4 person
<b>5 person</b>	\$24.50	\$69.26	\$3.50	\$15.00	\$46.15	\$2.00	<b>\$160.41</b>	5 person
<b>6 person</b>	\$24.50	\$73.65	\$3.50	\$15.00	\$52.25	\$2.00	<b>\$170.90</b>	6 person
<b>no sewer</b>	\$24.50	\$61.10	\$3.50	\$15.00		\$2.00	<b>\$106.10</b>	3 person
<b>senior citizen rate (age 65 and over)</b>								
<b>1 person</b>	\$18.90	\$38.74	\$3.50	\$15.00	\$21.75	\$2.00	<b>\$99.89</b>	1 person
<b>2 person</b>	\$18.90	\$43.59	\$3.50	\$15.00	\$27.85	\$2.00	<b>\$110.84</b>	2 person
<b>3 person</b>	\$18.90	\$48.31	\$3.50	\$15.00	\$33.95	\$2.00	<b>\$121.66</b>	3 person
<b>4 person</b>	\$18.90	\$53.02	\$3.50	\$15.00	\$40.05	\$2.00	<b>\$132.47</b>	4 person
<b>5 person</b>	\$18.90	\$57.75	\$3.50	\$15.00	\$46.15	\$2.00	<b>\$143.30</b>	5 person
<b>6 person</b>	\$18.90	\$62.58	\$3.50	\$15.00	\$52.25	\$2.00	<b>\$154.23</b>	6 person
<b>no sewer</b>	\$18.90	\$48.31	\$3.50	\$15.00		\$2.00	<b>\$87.71</b>	1 person
<b>trailer park - regular rate less garbage</b>								
<b>1 person</b>		\$53.70	\$3.50	\$15.00	\$21.75	\$2.00	<b>\$95.95</b>	1 person
<b>2 person</b>		\$57.31	\$3.50	\$15.00	\$27.85	\$2.00	<b>\$105.66</b>	2 person
<b>3 person</b>		\$61.10	\$3.50	\$15.00	\$33.95	\$2.00	<b>\$115.55</b>	3 person
<b>4 person</b>		\$65.08	\$3.50	\$15.00	\$40.05	\$2.00	<b>\$125.63</b>	4 person
<b>5 person</b>		\$69.26	\$3.50	\$15.00	\$46.15	\$2.00	<b>\$135.91</b>	5 person
<b>6 person</b>		\$73.65	\$3.50	\$15.00	\$52.25	\$2.00	<b>\$146.40</b>	6 person

## Brown City - Public Works

as of 7/1/2005	garbage	water	tower/line maint.	arsenic project	sanitary sewer	storm sewer	total	
commercial rate - non meter		\$44.77	\$3.50	\$15.00	\$32.95	\$2.00	<b>\$98.22</b>	commercial
commercial rate - water off		\$44.77	\$3.50	\$15.00		\$2.00	<b>\$65.27</b>	
church rate	\$24.50	\$31.98	\$3.50	\$15.00	\$27.85	\$2.00	<b>\$104.83</b>	church
<b>flat rates - (vacant)</b>								
regular - water off			\$3.50	\$15.00		\$2.00	<b>\$20.50</b>	
commercial - water off			\$3.50	\$15.00		\$2.00	<b>\$20.50</b>	
regular		\$31.98	\$3.50	\$15.00	\$10.00	\$2.00	<b>\$62.48</b>	regular
regular water only		\$31.98	\$3.50	\$15.00		\$2.00	<b>\$52.48</b>	
senior citizen		\$22.14	\$3.50	\$15.00	\$10.00	\$2.00	<b>\$52.64</b>	senior
regular + garbage	\$24.50	\$31.98	\$3.50	\$15.00	\$10.00	\$2.00	<b>\$86.98</b>	
commercial		\$22.63	\$3.50	\$15.00	\$24.40	\$2.00	<b>\$67.53</b>	commercial
metered		\$35.67	\$3.50	\$15.00	\$24.40	\$2.00	<b>\$80.57</b>	
\$15.00 for commercial customers that employ less than 25 employees. \$30.00 for commercial customers that employ 25 or more employees.								

**July 1, 2005 City Utility Rate Table 2 - Water & Sewer Rates for Metered Customers**  
 "Break-even" rate

Water rates. Customers who have functional and accessible water meters installed on the premises shall be billed at the following rate:

\$35.67	For 5,000 metered gallons or less, plus
.65	Per 1,000 gallons between 5,001 and 15,000 metered gallons, plus
.60	Per 1,000 gallons between 15,001 and 55,000 metered gallons, plus
.45	Per subsequent 1,000 metered gallons

Plus:

\$15.00	Arsenic Abatement Rate if less than 25 employees
30.00	Arsenic Abatement Fee if 25 or more employees
.34	Water Tower Maintenance Fee
.83	Water Tower Replacement Fee

EXAMPLE A: 203,600 metered gallons of water

$$203,600 - 5,000 - 15,000 - 55,000 = 128.6$$

$$(35.67) + (.65 \times 15) + (.60 \times 55) + (.45 \times 128.6) = 136.29 + (30.00 + .34 + .83) = \$167.46$$

$$35.61 + 9.75 + 33.00 + 57.81 = 136.29 + 31.11 = \$161.46$$

EXAMPLE B: 6,825 metered gallons of water

$$6,825 - 5,000 = 1,825$$

$$(35.61) + (.65 \times 1.825) = 36.86 + (15.00 + .34 + .83) = \$53.03$$

Sewer rates. Customers who have functional and accessible water meters installed on the premises and are connected to the City sewer system shall be billed at the following rate:

\$17.50	Times the whole number resulting from gallons of water used divided by 21,000 gallons, but not less than 1
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Plus:

\$2.97	Storm Sewer and Maintenance Fee
.37	Times the number of 1,000 gallons of water used

EXAMPLE A: 203,600 metered gallons of water

$$17.50 \times (203,600 / 21,000) = 175 + 2.97 + (.37 \times 203.6) = \$253.30$$

EXAMPLE B: 6,825 metered gallons of water

$$17.50 \times (6,825 / 21,000) = 11.50 + 2.97 + (.37 \times 6.825) = \$23.00$$

(1997 Code, § 5307) (Ord. passed 5-23-2005)

## CHAPTER 53: SEWERS

### Section

- 53.01 Definitions
- 53.02 Prohibitions
- 53.03 Connection to public sanitary sewer
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- 53.05 Permits
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- 53.11 Effective date
  
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### § 53.01 DEFINITIONS.

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

**B.O.D.** Denoting biochemical oxygen demand, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

**BUILDING DRAIN.** The part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

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

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

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

and sale of produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial, manufacturing processes, trade, or business as distinct from sanitary sewage.

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

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

**PH.** The logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

**PROPERLY SHREDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

**PUBLIC SEWER.** A sewer to which all owners of abutting properties have equal rights, and which is controlled by public authority.

**SANITARY SEWER.** A sewer that carries sewage, and to which storm, surface, and ground waters are not intentionally admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with the ground, surface, and storm waters as may be present.

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

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

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL** is mandatory; **MAY** is permissive.

**SLUG.** Any discharge of water, sewage or industrial waste that, in concentration of any given constituent or in quantity of flow, exceeds from any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

**STORM DRAIN** or **STORM SEWER.** A sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.  
(1997 Code, § 5314.1)

### § 53.02 PROHIBITIONS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other prohibited waste as defined in Public Act 451 of 1994 being MCL 324.11514.  
(1997 Code, § 5314.2)

(B) It shall be unlawful to discharge to any natural outlet within the City, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.  
(1997 Code, § 5314.3)

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.  
(1997 Code, § 5314.4)  
Penalty, see § 53.99

### § 53.03 CONNECTION TO PUBLIC SANITARY SEWER.

The owner 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 sewer of the City, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter, within 30 days after date of official notice to do so; provided that the public sewer is within 100 feet of the property line.  
(1997 Code, § 5314.5) Penalty, see § 53.99

### § 53.04 CONNECTION TO PRIVATE SANITARY SEWER.

(A) Where a public sanitary sewer is not available under the provisions of § 53.03, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.  
(1997 Code, § 5314.6)

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Engineer. The application for the permit shall be made on a form furnished by the City, which the applicant shall supplement with any plans, specifications, and other information as are deemed necessary by the City Engineer. A permit and inspection fee of \$25 shall be paid to the City Treasurer at the time the application is filed.  
(1997 Code, § 5314.7)

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. The City Engineer shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the City Engineer. (1997 Code, § 5314.8)

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Michigan Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities, where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(1997 Code, § 5314.9)

(E) At the time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in division (D) above, a direct connection shall be made to the public sanitary sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be bypassed, abandoned, and filled with suitable material.

(1997 Code, § 5314.10)

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

(1997 Code, § 5314.11)

(G) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(1997 Code, § 5314.12)

(H) When public sanitary sewer becomes available, the building sewer shall be connected to it within 30 days, and the private sewage disposal system shall be cleaned of sludge, and filled with clean bank-run gravel or dirt.

(1997 Code, § 5314.13)

Penalty, see § 53.99

#### **§ 53.05 PERMITS.**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the City Engineer.

(1997 Code, § 5314.14)

(B) There shall be 2 classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee of \$10 for a residential or commercial building sewer permit, and \$25 for an industrial building sewer permit, shall be paid to the City Treasurer at the time the application is filed.

(1997 Code, § 5314.15)

Penalty, see § 53.99

#### **§ 53.06 COSTS TO BE BORNE BY THE OWNER.**

(A) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(1997 Code, § 5314.16)

### § 53.07 SEWER SPECIFICATIONS.

(A) A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as 1 building sewer.  
(1997 Code, § 5314.17)

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the City Engineer, to meet all requirements of this chapter. All building sewer pipe from the street sewer to any building shall be furnished and installed and maintained by the owner of the property or the user. Building sewer pipe installed within the right-of-way of any street shall be C-200 vitrified clay sewer pipe, with Tylox-cast in Bell, Wedgelock, Uni-lock, Amvit, hot-poured bituminous or other approved similar premium water-tight joint; or Class 2000 asbestos-cement pipe, with ring-tite rubber joint. Building sewer pipe installed outside the right-of-way of any street or alley shall be C-13 vitrified clay sewer pipe, or Class 2000 asbestos cement pipe, with 1 of the approved joints specified above. All building sewer pipe shall be minimum 6 inches in diameter.  
(1997 Code, § 5314.18)

(C) All building sewers shall be laid in a manner conforming to the recommended practice for laying sewer pipe of the American Society for Testing Materials (A.S.T.M.) Designation C-12-19. Building sewers shall be laid with a fall from the building to the sewer. Insofar as practical, the fall shall be uniform throughout the length of its building sewer, and shall be absolute minimum of 1/8 inch fall per foot of pipe. If possible, 1/4 inch fall per foot of pipe shall be provided.  
(1997 Code, § 5314.19)

(D) All trench excavation for installation of building sewers shall be true to line and grade. Building sewer pipe shall be bedded in sand, and the sand bedding shall extend 12 inches above the pipe. The balance of the building sewer trench

backfill shall be of suitable material, free from large stones, broken concrete, or other materials that could damage the sewer, and shall be carefully placed in position to avoid damage to the sewer. All backfill under public street surfaces or sidewalks shall be sand, properly compacted during placing.  
(1997 Code, § 5314.20)

(E) No building sewer shall be installed or backfilled until it has been inspected and approved by the City Engineer.  
(1997 Code, § 5314.21)

(F) The connection of the building sewer into the public sewer shall be by means of a suitable wye connection in the public sewer, or by installation of a saddle approved by the City Engineer.  
(1997 Code, § 5314.22)

(G) 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 sewage carried by the building drain shall be lifted by an approved means, and discharged to the building sewer.  
(1997 Code, § 5314.23)

(H) No person shall make connection of roof downspouts, exterior foundations drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain that, in turn, is connected directly or indirectly to a public sanitary sewer.  
(1997 Code, § 5314.24)

(I) The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Engineer or his or her representative.  
(1997 Code, § 5314.25)

(J) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and

other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(1997 Code, § 5314.26)

Penalty, see § 53.99

### § 53.08 DISCHARGES.

(A) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (1997 Code, § 5314.27)

(B) Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the City Engineer, to a storm sewer or natural outlet (1997 Code, § 5314.28)

(C) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant (including, but not limited to, cyanides in excess of 2 mg/1 as CN in the waters as discharged to the public sewer);

(3) Any waters or wastes having pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and/or

(4) Solid or viscous substances in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, on-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(1997 Code, § 5314.29)

(D) (1) No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely, in the opinion of the City Engineer and City Attorney, that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the City Engineer and City Attorney will give consideration to the factors as: quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C);

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 ppm; or containing substances that may solidify or become viscous at temperatures between 32°F and 150°F;

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder, equipped with a motor of 3/4 horsepower or greater, shall be subject to the review and approval of the City Engineer;

(d) Any waters or wastes containing strong acid iron, pickling wastes, or concentrated plating solutions, whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to the degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Engineer for the materials;

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in the concentrations that exceed limits that may be established by the City Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdictions for the discharge to the receiving waters;

(g) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable state or federal regulations;

(h) Any waters or wastes having a pH in excess of 9.5;

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual B.O.D., chemical oxygen demand or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; and/or

4. Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

(j) Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes

employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(2) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, that contain the substances or possess the characteristics enumerated in this section, and that, in the judgment of the City Engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Engineer may:

(a) Reject the wastes;

(b) Require pre-treatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provisions of § 53.06.

(3) If the City Engineer permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Engineer, and the requirements of all applicable codes, ordinances, and laws. (1997 Code, § 5314.30)

(E) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. (1997 Code, § 5314.31)

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

(1997 Code, § 5314.32)

Penalty, see § 53.99

### **§ 53.09 SAMPLING, MEASUREMENTS, AND THE LIKE.**

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

(1997 Code, § 5314.33)

(B) (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, and shall be determined at the control manhole provided for, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate, or whether grab sample or samples should be taken. Normally, but not always, B.O.D. and SS analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from

periodic grab samples.

(1997 Code, § 5314.34)

Penalty, see § 53.99

### **§ 53.10 SPECIAL AGREEMENTS; TAMPERING; INSPECTIONS.**

(A) (1) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

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

(1997 Code, § 5314.35)

(B) The City Engineer and other duly authorized City employees bearing proper credentials and identification shall be permitted to enter upon all properties, for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The City Engineer or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(1997 Code, § 5314.36)

(C) While performing the necessary work on private properties referred to in division (B) above, the City Engineer or duly authorized City employees shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless of injury or death to the City employees, and the City shall indemnify the company 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 company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.09.

(1997 Code, § 5314.37)

Penalty, see § 53.99

**§ 53.11 EFFECTIVE DATE.**

This chapter shall take effect on 8-10-1964.

(1997 Code, § 5314.42)

**§ 53.99 PENALTY.**

(A) Any person found to be violating any provision of this chapter, except § 53.10(A), shall be served by the City with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(1997 Code, § 5314.38)

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(1997 Code, § 5314.39)

(C) Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of the violation.

(1997 Code, § 5314.40)