

## CHAPTER 51: SEWERS

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***Cross-reference:***

*Municipal powers - utility powers, see Charter § 2.3*

## **GENERAL PROVISIONS**

### **§ 51.01 TITLE.**

This chapter shall be known and may be cited as the “Sewer Usage and Administration Ordinance.”  
(Ord. 130, passed 4-5-93)

### **§ 51.02 DEFINITIONS.**

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

***AUTHORITY.*** The Grand Haven-Spring Lake Sewer Authority.

***BOD<sub>5</sub> (BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million by weight or in milligrams per liter.

***BUILDING DRAIN.*** That part of the lowest horizontal piping of a drain system which receives discharge from drainage pipes inside the walls of a building and conveys it to and is connected with the building sewer. The ***BUILDING DRAIN*** shall be deemed to end five feet outside the inner face of the building wall.

**BUILDING SEWER.** The extension of the building drain which begins five feet outside the inner face of the building wall and continues to the public sewer or other place of disposal.

**COD (CHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the chemical oxidation of organic and inorganic matter under standard laboratory procedure at 20°C, expressed in parts per million by weight or in milligrams per liter.

**COMBINED SEWER.** A public sewer receiving both storm, surface and groundwaters and wastewater.

**EPA.** The United States Environmental Protection Agency.

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

**INDUSTRIAL WASTE.** Liquid waste from industrial processes.

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

**NORMAL SANITARY SEWAGE.** Wastewater having a strength which is less than 200 parts per million of biochemical oxygen demand or 250 parts per million by weight of suspended solids.

**PUBLIC SEWER.** A sewer owned or controlled by the city as well as the portion of any sewer owned or controlled by any other public body corporate which is located within the city boundaries.

**SANITARY SEWER.** A public sewer which carries wastewater and in which storm, surface and groundwaters are not intentionally admitted.

**SEWER.** A pipe or conduit carrying wastewater and/or storm, surface and groundwater.

**STORM SEWER** or **STORM DRAIN.** A public sewer which carries storm, surface and groundwaters but excludes wastewater.

**UNCONTAMINATED INDUSTRIAL PROCESS WATER.** Wastewater which does not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

**USER.** Any person who contributes, causes or permits the contribution of wastewater into a public sewer.

**WASTEWATER.** Water-carried waste from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.

**WASTEWATER SYSTEM.** The wastewater treatment plant, all facilities of the Authority and the city for collecting, sampling, monitoring and pumping wastewater, and all facilities for collecting, sampling, monitoring or pumping wastewater that are owned or controlled by any other public body corporate whose wastewater is treated by the wastewater treatment plant.

**WASTEWATER TREATMENT PLANT.** The Authority Wastewater Treatment Plant, 1525 Washington Street, Grand Haven, Michigan.

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently.  
(Ord. 130, passed 4-5-93)

### **§ 51.03 PURPOSE AND POLICY.**

(A) This chapter sets forth uniform requirements for users of the wastewater system and enables the city and the Authority to protect public health in conformity with all applicable local, state and federal laws relating thereto.

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with its normal operation or contaminate the resulting municipal sludge;

(2) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the wastewater treatment plant, and which will pass through the wastewater system into receiving waters or the atmosphere or otherwise be incompatible with the wastewater system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the wastewater system; and

(4) To meet the requirements of the EPA and the Michigan Department of Natural Resources.  
(Ord. 130, passed 4-5-93)

### **§ 51.04 DISCHARGE OF WASTE AND WASTEWATER.**

The discharge or depositing of waste and wastewater shall be restricted and regulated as follows:

(A) No person shall place, deposit or discharge any waste or wastewater upon any public or private property in the city.

(B) No person shall discharge to any natural outlet in the city any wastes or wastewater

unless such discharge is specifically permitted and approved in writing by the state, county, or other governmental agency having jurisdiction.

(C) No person shall construct, maintain or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater unless the same is specifically permitted and approved in writing by the state, county or other governmental agency having jurisdiction.

(D) For reasons of public health, any structure in which wastewater originates lying within the city shall be connected to any available sanitary sewer or combined sewer within 18 months after (1) written notice is given to the owner by certified mail by the city of availability of a sanitary sewer or combined sewer and (2) compliance with any notice or other requirements specified by state law. For purposes of this subsection, a sanitary sewer or combined sewer shall be considered to be available when it is located in a right-of-way, easement, highway, street or public way which crosses, adjoins, or abuts upon the property in question and passes not more than 200 feet at the nearest point from a structure in which wastewater originates. For purposes of this subsection, the phrase ***STRUCTURE IN WHICH WASTEWATER ORIGINATES*** shall mean a building in which toilet, kitchen, laundry, bathing or other facilities that generate wastewater are used or are available for use for household, commercial, industrial or other purposes. If the structure in which wastewater originates has not been connected to an available sanitary sewer or combined sewer within such 18-month period, then the city shall proceed in accordance with applicable state law to require connection to be made forthwith. In so proceeding, the city shall have the rights and remedies provided in the applicable state law, as well as all rights and remedies provided by this chapter.

(E) All discharges of waste or wastewater and actions by or against a user in relation thereto shall be subject to the requirements and provisions of the Authority's rules and regulations, as well as the provisions of this chapter.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.05 PRIVATE SEWAGE DISPOSAL.**

Private sewage disposal shall be restricted and regulated as follows:

(A) If a house, building or other premises used for human occupancy, employment, recreation or other purposes is not connected to a sanitary sewer or a combined sewer, then the building sewer shall be connected to a private wastewater disposal system permitted and approved by the county health department and, where appropriate, the State Health Department and/or the State Department of Natural Resources.

(B) At such time as connection is made to a sanitary sewer or a combined sewer, all septic tanks, cesspools and similar private wastewater disposal facilities shall be disconnected and abandoned.

(C) All persons shall operate and maintain private wastewater disposal facilities in a safe and sanitary manner at all times at no cost to the city.

(D) This section shall not be construed to preclude additional requirements that may be imposed by the Authority, or state or county government, or to excuse compliance with such requirements.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.06 PROTECTION FROM DAMAGE.**

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or other part of the wastewater system.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.07 FALSIFICATION OF INFORMATION.**

Any person who knowingly makes any false representation, statements or certification in any application, report, record, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring or sampling device shall be punished as set forth in § 51.99.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.08 INSTALLATION REQUIREMENTS.**

(A) All public sewer mains shall be installed in a public right-of-way or easement and shall be constructed and installed in accordance with the written requirements of the Director of the Department of Public Works. Unless waived in writing by the Director of the Department of Public Works, all sewer mains shall run the entire distance along which the parcel that benefits from the sewer main adjoins the public right-of-way or easement.

(B) No parcel may be serviced by the public sanitary sewer system unless the parcel abuts the public right-of-way or easement in which the sewer main lies.

(Ord. 226, passed - -)

### ***CONNECTIONS TO PUBLIC SEWER***

#### **§ 51.20 CONNECTIONS REGULATED.**

All building sewers, building drains and connections to the public sewer shall be restricted and regulated as set forth in this subchapter.

(Ord. 130, passed 4-5-93)

#### **§ 51.21 PERMIT, AUTHORIZATION, AND INSPECTION REQUIREMENTS.**

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefor from the city. No connection shall be made to a public sewer which will result in the discharge of

industrial waste without the prior written approval of the Authority. No building sewer shall be covered until after it has been inspected and approved by the city as being adequate and having acceptable construction, size and location.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.22 COST OF INSTALLATION AND MAINTENANCE.**

The owner shall be responsible, at his or her cost and expense, for the installation, connection and maintenance of the building sewer to its connection with the public sewer.

(Ord. 130, passed 4-5-93)

#### **§ 51.23 APPLICATION FOR CONNECTION PERMIT; FEES.**

Application for a permit to connect to the public sewer shall be made on appropriate forms provided by the city. The application shall be supplemented by such plans, specifications or other information as the city shall reasonably require. The City Council shall establish permit and inspection fees by resolution. Such permit and inspection fees shall be paid at the time the application is filed. The city may refuse to grant a permit to connect if the city shall determine the public sewer system, the wastewater treatment facilities or the treatment plant do not have adequate capacity or capability to accommodate the proposed connection.

(Ord. 130, passed 4-5-93)

#### **§ 51.24 SANITARY SEWER SERVICE LINES.**

(A) A separate and independent building sewer shall be provided for each building or premises, provided that where one building or premises stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building or premises through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear buildings or premises.

(B) Old building sewers may be used in connection with new buildings and premises only when they are found on inspection by the city to be of adequate construction, size and location.

(C) For purposes of this section, the term *PREMISES* refers to every building or area of a building that is capable of single-family or single-business use.

(Ord. 130, passed 4-5-93; Am. Ord. 240, passed 9-4-07) Penalty, see § 51.99

#### **§ 51.25 DESIGN AND CONSTRUCTION REQUIREMENTS.**

(A) The size, slope, alignment, materials of construction of buildings or premises, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the city building and plumbing codes.

(B) Whenever possible, the building sewer shall be brought to a 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 a building drain shall be lifted by a pump or other suitable device provided by the city and discharged to the building sewer. The cost of such pump or other suitable device shall be paid by the sewer customer. Such pump or other suitable device shall be maintained in good condition and repair by the sewer customer and the sewer customer shall pay all charges and expenses for the operation of the pump or other suitable device.

(C) The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city building and plumbing codes or other applicable rules and regulations of the city, and the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9, all as amended from time to time. All such connections shall be made gastight and watertight. Any deviation from these prescribed procedures and materials must be approved by the city before installation.

(D) The basement floor level of all new structures from which it is anticipated that wastewater or industrial wastes shall emanate shall be at such level that such wastewater and wastes can flow by gravity to any sanitary sewer in the adjoining street connected with an invert eight feet below the centerline of the street. In the alternative, a pump or other suitable device shall be installed and maintained as provided in subsection (B) of this section to lift the wastewater or industrial wastes to the level of the sanitary sewer. An acceptable wastewater outlet facing the street where a sanitary sewer is available, or is proposed to be made available, shall be provided in all new structures.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

***Cross-reference:***

*Building and plumbing codes, see Ch. 150*

**§ 51.26 INSPECTION OF WORK; CONNECTION TO SEWER.**

The applicant for a sewer construction permit shall notify the city 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. No backfill shall be placed until the work has been inspected and approved by the city.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

**§ 51.27 EXCAVATIONS; RESTORATION OF PROPERTY.**

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 to their prior condition.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

**§ 51.28 CITY AND ADMINISTRATIVE LIABILITY.**

The owner shall indemnify and hold the city and its employees, agents and representatives

free and harmless from any and all liability or responsibility for all injury, loss or damage that may result directly or indirectly from the installation, connection and maintenance of the building sewer.

(Ord. 130, passed 4-5-93)

### ***USE OF PUBLIC SEWERS***

#### **§ 51.40 UNPOLLUTED AND OTHER RESTRICTED DISCHARGES.**

(A) No person shall discharge or cause to be discharged to any sanitary sewer any storm water, surface water, or groundwater. If an industry makes adequate provision for the disposal of its industrial

wastes other than by discharging such wastes into the public sewer, and if such disposal is approved by the Michigan Department of Natural Resources, the Authority and all other governmental agencies

having jurisdiction, then the city may, by resolution, excuse such industry from depositing its industrial wastes into the public sewer.

(B) Storm water, groundwater, surface water, and all other unpolluted drainage shall be discharged only to combined sewers, storm sewers, dry wells or natural outlets. The discharge of cooling water or uncontaminated industrial process water to a natural outlet shall only be permitted when permitted and approved in writing by the state, county or other governmental agency having jurisdiction.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.41 PERMITTED DISCHARGES REGULATED.**

(A) No person who is required by the Authority, pursuant to its rules and regulations, as amended, to have a discharge permit shall discharge or cause to be discharged any wastewater or waste unless such permit is currently in force and the discharge is in full compliance with all conditions or restrictions which are contained in such permit. In addition, no person shall discharge or cause to be discharged any wastewater or waste which: prevents effective operation of the wastewater system; will pass through the wastewater treatment plant or otherwise be incompatible with the wastewater treatment plant; is prohibited by any federal or state law, rule, regulation, permit requirement or standard which is applicable to the Authority or the wastewater system; or is prohibited by the Authority's rules and regulations. With respect to such wastewater or waste, the city and/or the Authority shall have the option to:

(1) Reject the waste or wastewater;

(2) Require satisfactory pretreatment as provided in the Authority's rules and regulations; and/or

(3) Require, pursuant to the provisions of this chapter and/or the Authority's rules and regulations, the payment of extra charges to the city and/or the Authority to pay for the added costs of handling and treating the waste or wastewater.

(B) The city shall have the right, at any time, by resolution to exclude from the wastewater treatment plant all or a portion of the industrial waste or wastewater of city customers, provided, however, that no such action shall be taken by the city until it shall have first determined that such action is necessary in order to permit non-industrial waste or wastewater in the city to be treated by the wastewater treatment plant.  
(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.42 DILUTION OF DISCHARGE.**

Except as expressly authorized under applicable National Categorical Pretreatment Standards promulgated by the EPA, no user shall increase the use of potable or process water nor mix separate waste streams for the purpose of diluting a discharge, or otherwise dilute a discharge in any way, as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.  
(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.43 NONDOMESTIC-USER DISCLOSURE REQUIREMENTS.**

All nondomestic users proposing to connect to or to contribute wastewater or waste to the wastewater system shall submit such information as the city and/or the Authority shall reasonably request on their processes and wastewater before connecting to or contributing to the wastewater system. All existing nondomestic users connected to or contributing to the wastewater system shall promptly submit such information on their processes and wastewater as the city and/or the Authority shall reasonably request. The information submitted shall be sufficient for the city and the Authority to determine the impact of the user's discharge on the wastewater system and the need for pretreatment and shall be signed by an authorized representative of the user. Without limiting the generality of the foregoing disclosure requirements, the information which may be required pursuant to this section may include any or all of the information required pursuant to the Authority's rules and regulations, or to applicable state or federal law.  
(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.44 PRELIMINARY TREATMENT FACILITIES.**

(A) Where the waste or wastewater is required to be pretreated by the provisions of this chapter and/or the Authority's rules and regulations, the user shall provide, at his or her expense, such preliminary treatment as required pursuant to the Authority's rules and regulations and/or as shall be necessary to reduce the objectionable characteristics or constituents of the waste or wastewater or control the quantities and rates of discharge of the waste or wastewater so that the wastewater system can operate effectively and in conformance with all federal and/or state laws, rules, regulations, permit requirements or standards which are applicable to the wastewater system. Plans, specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be prepared and submitted by a registered engineer for approval by the city and the Authority, and no construction of such facilities shall be commenced until approval is given in writing by both the city and the Authority. Review of the submitted plans, specifications and other information shall be completed within a reasonable time. Where

preliminary treatment is required by this section, and the user is already discharging waste or wastewater into the wastewater system, then the user shall, at the request of the city and/or the Authority, agree to a compliance schedule which shall specify by date those items which are to be accomplished by the user to complete all necessary preliminary treatment facilities and to bring the waste and wastewater being discharged into compliance with all requirements of this chapter and the Authority's rules and regulations.

(B) Where preliminary treatment facilities are provided for any wastewater or waste, such facilities shall be maintained continuously in satisfactory and effective operation by the user at his or her cost. The person operating and maintaining such facilities shall, at the request of the Authority and/or the city, submit to the requesting party records or true copies thereof of the samplings taken from wastewater and waste discharged and such other reports and information as shall be necessary to assess and assure compliance with this chapter.  
(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.45 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Authority or the city's 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. Notwithstanding the foregoing, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority and/or the city and shall be located so as to be readily accessible for cleaning and inspection. All grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. Nothing contained in this section shall limit the effect or excuse full compliance with other provisions of this chapter or of the Authority's rules and regulations, including, without limitation, any limitation on or prohibition against introduction of wastes into the wastewater system, any pretreatment requirements and/or any permitting requirements.  
(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.46 SAMPLING FACILITIES.**

When required by the city and/or the Authority to assure adequate monitoring and control of the waste or wastewater discharge, the user of any building or premises served by a building sewer shall install a suitable control vault or station in the building sewer to facilitate observation, sampling and measurement of the waste or wastewater being discharged. Such control vault or station shall be equipped by the user with a suitable composite sampler and continuous flow recorder. Such vault or station shall be accessible and safely located and shall be constructed in accordance with plans approved in writing by the Authority. Such vault or station shall be installed by the user at his or her cost and shall be maintained by him or her so as to be safe and accessible at all times. The person operating and maintaining such facilities shall, at the request of the Authority or the city, submit to the requesting party records or true copies thereof

of the wastewater or waste discharged and such other reports and information as shall be necessary to assess and assure compliance with this chapter and with the Authority's rules and regulations.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.47 INDUSTRIAL SURVEILLANCE; CHARGES.**

(A) With respect to all users that are required to maintain preliminary treatment facilities or sampling facilities pursuant to the provisions of this chapter and/or the Authority's rules and regulations, the city, acting itself or through the Authority, shall institute a program pursuant to which the city or Authority personnel, as the case may be, periodically check and assess, through the taking of their own samplings, the accuracy and completeness of the sampling records and other reports and information provided to the city and the Authority. The cost and expense incurred by the city in conducting this program of periodic review or having the Authority conduct the program on its behalf shall be recovered from an industrial surveillance charge to be established by the city or the Authority from time to time by resolution. The amount of this charge shall be determined for each sewer customer or class of sewer customers to which it applies and shall be billed by the city as part of each affected sewer customer's periodic sewer billing.

(B) If, based upon such review, the city or the Authority determines that the sampling records or other reports and information provided to it/them by a user are not substantially accurate, the city and/or the Authority may institute such sampling, laboratory analysis and other procedures as are determined necessary to accurately sample and measure the waste and wastewater being discharged. All expenses and charges incurred by the city itself or by the Authority for such sampling, review and analysis shall be charged by the city or the Authority to the affected sewer customer.

(Ord. 130, passed 4-5-93)

#### **§ 51.48 SURCHARGE FOR NONDOMESTIC USERS.**

(A) All nondomestic users of the public sewers shall pay a surcharge for the discharge of wastewater or waste containing more BOD<sub>5</sub>, COD, phosphorus or suspended solids than the threshold amount, with the exception that a surcharge can be made for either BOD<sub>5</sub> or COD, whichever is the greater dollar cost, but not for both.

(B) The threshold for and amount of such surcharge shall be established periodically by the Authority. The surcharge shall be calculated and billed quarterly by the city as part of the affected sewer customer's periodic sewer billing.

(Ord. 130, passed 4-5-93)

#### **§ 51.49 PRETREATMENT STANDARDS; COMPLIANCE REPORTING.**

(A) *Pretreatment standards.* Upon the promulgation of any final federal or state pretreatment standards or discharge limits for a particular industrial category or subcategory, such standards or limits, if more stringent than the requirements of this chapter or the Authority's

rules and regulations, shall be automatically incorporated as part of this chapter, shall be considered to supersede the requirements thereof, and shall become effective when specified by the promulgating agency. The Authority, on behalf of the city, shall notify all affected users of the applicable standards or limits.

(B) *Pretreatment compliance reporting.* Users shall submit reports to the Authority as required by or pursuant to its rules and regulations. Upon request by the city, a user shall provide a copy of any such report to the city.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.50 SPILL PREVENTION AND NOTICE; CONTAINMENT FACILITIES.**

(A) When required by the city and/or the Authority to assure adequate protection for the wastewater system from accidental spills of critical or hazardous materials, the user shall develop and submit to the city and the Authority an adequate spill prevention plan as required by and subject to the provisions of the Authority's rules and regulations. The adequacy of such plan shall be determined by the Authority. The city and/or the Authority may require, as part of such plan, that the user provide, at his or her expense, suitable containment facilities within a time period specified by the city and/or the Authority. Plans, specifications and other pertinent information relating to the proposed containment facilities shall be prepared and submitted for approval by the Authority, and no construction of such facilities shall be commenced until approval by the Authority is given in writing. Such containment facilities shall be maintained continuously in satisfactory condition by the user at his or her cost.

(B) In the case of an accidental spill, the user shall give such notice and take such other actions as required by the Authority's rules and regulations.

(Ord. 130, passed 4-5-93) Penalty, see § 51.99

#### **§ 51.51 PUBLICATION OF LIST OF NONCOMPLYING USERS.**

The city or the Authority shall annually publish in the *Grand Haven Tribune* a list of the users which significantly violated any National Categorical Pretreatment Standard promulgated by the EPA or which otherwise has been determined by the Authority to be in significant noncompliance during the 12 previous months. This notification shall also summarize any enforcement actions taken against the user during the same 12 months. In addition, a list of all industrial users which were the subject of enforcement proceedings pursuant to this chapter and/or the Authority's rules and regulations during the 12 previous months shall be published annually by the city and/or by the Authority in the *Grand Haven Tribune*. This notification shall summarize the enforcement actions taken against those users which during the previous 12 months had violations that remained uncorrected 45 or more days after notification of noncompliance; or which have exhibited a pattern of noncompliance over that 12-month period, or which involve failure to accurately report noncompliance.

(Ord. 130, passed 4-5-93)

### ***SEWER RATES AND BILLING***

## **§ 51.65 TITLE.**

This subchapter shall be known and may be cited as the “Sewer Rate Ordinance.”  
(Ord. 65, passed 1-23-80)

## **§ 51.66 DEFINITIONS.**

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

**SYSTEM.** All sewer lines, lift stations, pumping facilities, sewer collection facilities and their appurtenances which the city has or shall have possession of and operating responsibility for (whether owned by the city or not), either now in existence in the city or hereafter acquired or constructed in the city, together with all works, plants, instrumentalities and properties used or useful in connection therewith in collecting sewage and transmitting and conveying such collected sewage to sewage disposal facilities, and all extensions, enlargements and improvements thereto in the city.

(Ord. 65, passed 1-23-80)

## **§ 51.67 CONNECTION TO SYSTEM.**

Connection to the system, directly or indirectly, and the discharge of sewage into the system, shall only be in compliance with this chapter.

(Ord. 65, passed 1-23-80)

## **§ 51.68 SEWER CONNECTION FEES AND CHARGES.**

(A) *Connection fee.* The city shall charge a connection fee for each connection to the sewer system. Connection fees shall be established and modified by resolution of the City Council. The connection fee will be based on the size of the water meter serving the premises and upon any subsequent enlargements of water meter size. Residential premises that are served by the public sewer system but not by the public water system will pay a connection fee based on a 3/4 inch meter. Non-residential uses that are served by the public sewer system but not by the public water system will pay a connection fee as established by resolution of the City Council. Sewer connection fees paid for a connection will not be refunded in the event of a subsequent reduction in water meter size or disconnection from the system. A sewer connection fee is to be paid at the time a building permit or construction permit is issued.

(B) *Frontage charge.* Those premises adjacent to a system sewer line which either (1) have not been included in a special assessment district to pay the cost of such line; or (2) have been included in a special assessment district but have not been assessed for the sewer main which will provide sewer service, shall pay a frontage charge to connect to the system. No frontage charge shall be made where the system main adjacent to the connecting premises was constructed as part of a development or project in which the premises are located and when a private party or the city on behalf of and at the expense of a private party has constructed such

main. Frontage charges shall be established and modified by resolution of the City Council. A frontage charge is to be paid at the time a building permit or construction permit is issued.

(C) *Lateral charge.* A sewer lateral charge shall be assessed for each installation of a sewer lateral from the sewer main to the property line. The sewer lateral charges shall be established by resolution of the City Council and shall be paid when a building permit or construction permit is issued. In the event that the installation is completed by a private contractor at the expense of the owner, then the city may charge for inspection of the work at a rate established and modified from time to time by resolution of the City Council. Such charge shall be paid at the time a building permit or construction permit is issued.

(Ord. 65, passed 1-23-80; Am. Ord. 240, passed 9-4-07)

***Cross-reference:***

*Public improvements; special assessments, see §§ 33.01 et seq.*

*Water connection charges, see § 52.35*

**§ 51.69 SEWER USE RATES.**

Rates for sewer service for each premises connected to the system shall be established and adjusted from time to time by City Council resolution. No free service shall be furnished by the system to the city or to any person, firm or corporation, public or private, or to any public agency or instrumentality. The city shall pay for sewer service supplied to it or any of its departments or agencies at the rates established pursuant to this section from time to time.

(Ord. 65, passed 1-23-80)

***Cross-reference:***

*Water rates, see § 52.37*

**§ 51.70 BILLING PROCEDURES; DISCONTINUING SERVICE.**

Charges for sewer service shall be billed, mailed and shall come due in accordance with a resolution by the City Council. Bills not paid on or before a due date shall be subject to a quarterly charge equal to 6% of the unpaid amount. Customers whose bills are not paid within five days after the due date shall be mailed a reminder bill. If the reminder bill is not paid within ten days after the date of mailing of such reminder bill, then if the premises are served by public water, a 72-hour shut-off notice shall be mailed. If the bill is not paid within 72 hours after the date of mailing of such shut-off notice, the customer's public sewer service may be turned off immediately without further notice. A charge established by resolution of the City Council shall then be charged to the customer and shall be paid together with all unpaid charges before the service is restored. Sewer use and service charges, connection fees, frontage charges and lateral charges shall constitute a lien on the property served. On or before May 1 of each year, the City Treasurer shall deliver to the City Clerk a certified statement of all sewer use and service charges, connection fees, frontage and lateral charges and interest charges thereon six months or more past due and unpaid. The City Clerk shall then place charges on the next general tax roll and the same shall be collected and said lien shall be enforced as provided for general city taxes.

(Ord. 65, passed 1-23-80; Am. Ord. 194, passed 7-15-02; Am. Ord. 240, passed 9-4-07)

***Cross-reference:***

*Similar provisions regarding water service, see § 52.38*

***Statutory reference:***

*Delinquent charges as a lien; enforcement and exceptions regarding service to tenants, see M.C.L.A. § 141.121*

**§ 51.71 FISCAL YEAR.**

The system shall be operated on the basis of a fiscal year beginning July 1 of each year and ending June 30 of the next year.

(Ord. 65, passed 1-23-80)

***Cross-reference:***

*Similar provision regarding water system, see § 52.39*

**§ 51.72 RECORDS AND REPORTS.**

The city shall cause to be maintained and kept proper books of record and account in which shall be made full and correct entries of all transactions relating to the operation of the system. Not less than six months after the close of each fiscal year of the system, the city shall cause to be prepared a statement in reasonable detail showing the cash income and disbursements of the system at the beginning and the close of the operating year and such other information as shall be necessary to enable any taxpayer of the city, user or beneficiary of the service provided by the system to be fully informed as to all matters pertaining to the financial operation of the system during such fiscal year. Such annual statement shall be filed in the office of the City Clerk where it shall be open to public inspection. These books of record and account shall be audited annually by a certified public accountant to be designated by the City Council and a certified copy of this audit shall be filed with the City Clerk. Such audit may be a part of the general city audit.

(Ord. 65, passed 1-23-80)

***Cross-reference:***

*Similar provision regarding water system, see § 52.40*

**§ 51.73 CITY AND ADMINISTRATIVE LIABILITY.**

(A) The city shall not be liable for any failure or deficiency in the operation of the system whether occasioned by maintenance or repair of the system or any other cause.

(B) No officer, agent or employee of the city shall render himself or herself as personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under and in the enforcement of this subchapter.

(Ord. 65, passed 1-23-80)

***ADMINISTRATION AND ENFORCEMENT***

**§ 51.85 RIGHT OF ENTRY.**

The city and its employees and agents, and the Authority and its employees and agents, when bearing proper credentials and identification, shall be permitted, with or without advance notice, to enter in and upon buildings and premises as may be necessary for the purposes of

inspection, surveillance, measurement, sampling and testing to determine compliance with this chapter, or to take any actions reasonably necessary to protect the wastewater system or the health, safety and welfare of employees of the waste water treatment plant or the public.

(Ord. 130, passed 4-5-93)

#### **§ 51.86 LEGAL ACTION.**

If any person discharges wastewater or waste into the wastewater system contrary to the provisions of this chapter, the city, or the Authority on its behalf, may commence an action for appropriate legal and/or equitable relief.

(Ord. 130, passed 4-5-93)

#### **§ 51.87 SUSPENSION OF SERVICE.**

Notwithstanding any other provision of this chapter, the Authority and/or the city may, for good cause shown, suspend the wastewater treatment service to a user when it appears to the Authority and/or the city, as the case may be, that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, or a substantial danger to the environment, interferes with the operation of the wastewater system, or violates any pretreatment limits imposed by this chapter. Any user notified of a suspension of wastewater treatment service shall, within a reasonable period of time, as determined by the Authority and/or the city, whichever has given the notice, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the city, or the Authority on its behalf, may commence judicial proceedings immediately thereafter to compel the user's compliance with such order. The city and the Authority shall reinstate the wastewater treatment service and terminate judicial proceedings upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(Ord. 130, passed 4-5-93)

#### **§ 51.88 VIOLATIONS AND PUBLIC NUISANCE; USER LIABILITY.**

(A) *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance per se. Accordingly, the court shall, by injunction, order such nuisance abated and the user shall be adjudged guilty of maintaining a nuisance per se.

(B) *Recovery of costs.* Any user violating any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the wastewater system, shall be liable to the city and/or the Authority for any expense, loss, or damage caused by such violation or discharge. The city and/or the Authority shall bill the user for the costs incurred by the city and/or the Authority, as the case may be, for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter, enforceable as provided herein and also by appropriate legal action.

(Ord. 130, passed 4-5-93)

### **§ 51.89 CONFLICTS.**

Where provisions of any state or Authority law, rule or regulation, or any other provision of this code impose greater restrictions or higher standards than contained in this chapter, then the provisions of such law, rule, or regulation shall control.  
(Ord. 130, passed 4-5-93)

### **§ 51.90 REGULATORY AUTHORITY.**

The city may, from time to time, adopt by resolution rules and regulations governing operational, maintenance and technical matters relating to the public sewer system. Violation of any such rule or regulation shall constitute a violation of this chapter and shall be subject to the penalties and other remedies prescribed in this chapter.  
(Ord. 130, passed 4-5-93)

### **§ 51.91 ADMINISTRATIVE LIABILITY.**

No officer, agent or employee of the city or the Authority or member of the City Council or the Authority Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any acts, decisions or other consequences or occurrences arising out of the discharge of their duties and responsibilities pursuant to this chapter.  
(Ord. 130, passed 4-5-93)

### **§ 51.99 PENALTY.**

Violation of any provision of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in § 10.99. The owner, tenant or any other person who commits, participates in, assists in or maintains any violation of this chapter may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter.  
(Ord. 130, passed 4-5-93)