TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

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CHAPTER 50: GARBAGE AND REFUSE

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DISPOSAL

§ 50.01 DISPOSAL AT LANDFILLS REQUIRED.
No person shall dispose of any refuse, waste, or other such material, except at state licensed sanitary landfills or transfer stations.
('67 Code, § 4.071) (Am. Ord. passed 9-14-87) Penalty, see § 10.99

§ 50.02 RECEPTACLES REQUIRED.
(A) Every person shall keep within the lot line of his premises a suitable receptacle for depositing any ashes, glass, metal, stone, cans, or other refuse and waste of like nature. ('67 Code, § 4.073)

(B) Each person who is responsible for any lot or premises within the village that is occupied for residential or commercial purposes shall keep, within the lot line, a receptacle for garbage and animal or vegetable matter. The receptacle shall have a cover and shall be at all times left in a convenient place so that proper collection of the garbage may be made at any time. ('67 Code, § 4.074) Penalty, see § 10.99

§ 50.03 DUMPING AND DRAIN OBSTRUCTION PROHIBITED.
Except as provided in this chapter, no person shall dump, abandon, throw, or scatter any refuse or waste in, or transport the same in such a manner as to cause the littering of any street, alley, or public place, or of any private property not his own, or to cause the obstruction of any ditch, drain, or gutter. ('67 Code, § 4.075) Penalty, see § 10.99

§ 50.04 DISPOSAL STANDARDS.
No person shall allow any refuse or waste to collect or lie on property which he owns, occupies, or controls in such a manner that it attracts flies, annoys, or interferes with the safety, health, comfort, or repose of the public, emits odors, is unsightly, or is offensive.
(67 Code, § 4.076) Penalty, see § 10.99

§ 50.05 TIME RESTRICTIONS.
Trash within the village cannot be put out in any street or alley earlier than 4:00 p.m. on the day prior to scheduled pickup.
(Ord. passed 7-11-88) Penalty, see § 10.99

COLLECTION

§ 50.15 LICENSE REQUIRED.
Any person hauling or offering to haul for profit and regularly engaged in or offering to regularly engage in the business of hauling rubbish or garbage or any other refuse within the village shall, before engaging in such business, make application to the Council for a license to operate and engage in such business and furnish the license fee, performance bond, and information referred to in this subchapter.
('67 Code, § 6.551) Penalty, see § 10.99
§ 50.16 APPLICATION FOR LICENSE.
Application for approval to engage in a business described in § 50.15 shall be in writing, signed by the applicant, and addressed to the Council and shall be accompanied by a license fee as stated in the Village of Kalkaska fee schedule. Penalty, see § 10.99 (Amended per Ordinance 2016-001 adopted 1/11/16)

§ 50.17 CONTENTS OF APPLICATION.
Applications required by § 50.15 shall contain the full name and address of the applicant, type of equipment to be used in the business, number of days per week to be spent for the services rendered, and such other information as may, in the discretion of the Council of the nature and extent of the service proposed to be rendered by the applicant. ('67 Code, § 6.553) Penalty, see § 10.99

§ 50.18 RENEWAL.
Licenses required by § 50.15 shall be granted for a period of one year and may be renewed for any number of successive one-year periods. Each application for a renewal of such license shall be accompanied by the information, license fee, and bond as required in the original application. ('67 Code, § 6.555) Penalty, see § 10.99

§ 50.19 PENALTY.
Any person, firm or corporation who violates any provision of this chapter is subject to the penalties and/or fines as prescribed in Chapter 10, section 10.99(A), Municipal Civil Infraction.

COMPOST

§ 50.30 INTENT
The purpose of the compost area ordinance is to provide Village Residents a depository for leaves and brush while insuring that public health, safety and welfare are preserved. The place and manner for compost dumping shall be regulated to protect residents from misuse of this compost area.

§ 50.31 DEFINITIONS

COMPOST AREA. As used in this chapter, “compost area” describes the Village owned area on East Dresden Street designated for the purpose of dumping leaves, grass clippings and brush.

GARBAGE. As used in this chapter, “garbage” means rejected food wastes, including waste accumulation of animal, fruit or vegetable material used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat fish, fowl, fruits or vegetables, and all discarded material that has come in direct contact with the foregoing resulting from the handling, processing, storage, preparation, serving and consumption of food.

LEAVES AND BRUSH. As used in this chapter, the term “leaves and brush” encompasses any and all accumulations of fallen leaves and yard materials such as tree limbs, trimmings and roots, plant stalks, cut grasses, weeds, flowers, sticks and other yard debris suitable for use as compost.
SOLID WASTE. As used in this chapter, the term “solid waste” encompasses any and all of these materials: garbage, junk, scrap, auto parts, major component parts, distressed vehicles, siding, tires and concrete.

SCRAP LUMBER. As used in this chapter, the term “scrap lumber” means discarded or abandoned wood, studs, plywood, particleboard and/or timbers not suitable for construction or assembly into useful items or products.

§ 50.32 KEY REQUIRED FOR ENTRANCE INTO COMPOST AREA

Any Village Resident who wishes to utilize the Village Compost Area must sign out a key at the Village Office. Once in possession of the key the resident is responsible for locking the padlock upon exiting the compost area. The resident is responsible for returning the key to the offices within two business days after signing out the key. Residents should remain in possession of this key at all times. Loaning of the key to other residents or non-residents is not permitted.

§ 50.33 RULES AND REGULATIONS

A. Any resident of the Village of Kalkaska may gain access to the compost area, after receiving a key and Village approval, for the purposes of dumping leaves and brush.

B. A non-resident person may check out a key on behalf of a resident, but must provide the street address and phone number of the resident. The leaves and brush dumped in the compost must be from a Village resident’s house.

C. Residents must dump leaves and brush in like piles established within the compost area.

D. If compost is carried in trash bags, residents are required to dump out the contents and take their bags with them.

E. Residents are required to dump proper compost materials such as grass clippings, weeds, brush and branches no larger than 4” in diameter and leaves.

F. Dumping of garbage, solid waste and/or scrap lumber is strictly prohibited.

G. Upon leaving the compost area each resident is required to lock the padlock behind him or her.

§ 50.34 PENALTY

A. All residents who fail to return the compost key will be charged $1.00 a day for each day that the compost key is late for up to 15 days. After 15 days the key will be declared lost and the resident will be invoiced a $15.00 fee.

B. Any amount due from a late or lost key, which remains unpaid after a period of 60 days, is subject to be placed on the resident’s sewer and water bill.
Any person, firm or corporation that violates any section of this chapter is responsible for a Municipal Civil Infraction as prescribed in Section 10.99 (A).

CHAPTER 51: WATER DISTRIBUTION AND SEWAGE DISPOSAL SYSTEM

Section

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GENERAL PROVISIONS

§ 51.01 TITLE.
This chapter shall be known and may be cited as the “Water and Sewer Rate Ordinance” of the village. ('67 Code, § 6.51)

§ 51.02 SUPERVISION OF SYSTEM.
The operation, maintenance, and management of the system shall be under the immediate supervision and control of the Village Manager. ('67 Code, § 6.50)

Water Distribution and Sewage Disposal System

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

BACKFLOW. Water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

BUILDING DRAIN. That 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 five feet outside the inner face of the building wall.

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

CHARGES FOR SEWAGE DISPOSAL SERVICES. The amount charged to each premises in the village for sewage disposal services, which may include a debt service factor.

CHARGES FOR WATER SERVICES. The amount charged to each premises in the village for water services, which may include a debt service factor.

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

(1) RESIDENTIAL USER. An individual home or dwelling unit including mobile homes, apartments, condominiums, or multi-family dwellings.

(2) COMMERCIAL USER. A person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters and governmental buildings.
(3) **DOMESTIC USER.** A person whose premises are domiciles for single or multiple family use.

(4) **GOVERNMENTAL USER.** Any manufacturing establishment that produces a product from raw or purchased material. This category shall also refer to any nongovernmental user of publicly owned treatment works identified in the *Standard Industrial Classification Manual, 1972*, under Divisions A, B, D, E or I, excluding those users already identified in one of the other user classes. A user may also be excluded from the “Industrial User” class if it is determined that such user will discharge only segregated domestic strength wastes into the sanitary sewer system.

(5) **INDUSTRIAL USER.** A person who operates a manufacturing or process facility that is engaged in producing a product.

**COD** or **CHEMICAL OXYGEN DEMAND.** The total quantity of oxidizable foreign matter in water under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

**COMBINED SEWER.** A sewer receiving both surface run-off and sewage.

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

**CROSS-CONNECTION.** A connection or arrangement of piping or appurtenances through which a backflow could occur.

**DEPARTMENT.** The Department of Public Works.

**DESIGNATED AGENT.** A person or persons that have been designated by the Village Board to act on behalf of the Village in enforcing and/or monitoring the Ordinance.

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

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

**GREASE TRAP.** A device designed to intercept, separate and retain fats, oils and grease from liquid waste and permit only the liquid waste to discharge into the Village of Kalkaska sewer system.

**GREASE TRAP – 25% RULE.** The combined depth of oil and grease and other solids (floating and settled) in any chamber of a trap shall not be equal to or greater than 25% of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the trap.
**INCOMPATIBLE POLLUTANT.** Any pollutant that is not a compatible pollutant, as defined in **COMPATIBLE POLLUTANT** above.

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

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

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

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

**INSPECTION AND APPROVAL FEE.** The amount charged to each applicant by the village to connect premises to the sewage disposal system or water system to cover the cost of inspecting and approving the physical connection to the systems and the issuance of a connection permit.

**LOCAL DISTRIBUTION LINES.** Pipes that serve only the abutting property within only one local service area.

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

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

**NORMAL DOMESTIC SEWAGE.** A sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily-suspended solids concentration of not more than 250 mg/l.

**OPERATION AND MAINTENANCE COST.** All costs, direct and indirect, other than debt service, necessary to insure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long term facility management (these operation and maintenance costs including depreciation and replacement costs).

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

**pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
POTABLE WATER. Water intended for human consumption or prolonged bodily contact that is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of District Health Department and the Michigan Department of Environmental Quality.

PREMISES. Each lot or parcel of land, building, dwelling unit or apartment unit having any connection to the water distribution system.

PROPERLY SHREDDED 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 1/2 inch in any dimension.

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

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

SANITARY SEWAGE. The liquid or water carried waste discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, commercial establishments, factories or institutions.

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

SECONDARY WATER SUPPLY. A water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

SERVICE PIPE. Any pipe which is installed for the purpose of connecting the water mains of the village to the individual premises where water conveyed therein is to be used or consumed.

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

SEWAGE DISPOSAL SERVICES. The collection, transportation, treatment, and disposal of sanitary sewage from premises on which sanitary sewage is produced, now or hereafter.

SEWAGE DISPOSAL SYSTEM. The village Sewage Disposal System established and constructed by the village, consisting of the sewers and facilities to be acquired and constructed by the village, herein called “new construction,” including any additions to the system subsequently provided.
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.

SEWER SERVICE STUB CHARGE. The amount charged to each premises in the village for the average cost of construction of one or more service stubs from the new construction to the property line of the premises.

SEWER TAP FEE. The amount charged at the time and in the amount hereinafter provided to each premises in the village for connecting or being connected to the construction of the sewage disposal system, representing the proportionate cost allocable to such premises for the facilities by which sewage disposal services are immediately provided to the premises.

SIGNIFICANT INDUSTRIAL USER. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the Kalkaska Clean Water Plant (excluding sanitary, noncontact cooling and boiler blow down wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Kalkaska Clean Water Plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Kalkaska Clean Water Plant's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

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

STORM DRAIN. A sewer which carries storm and surface waters and drainage but which excludes sewage and industrial wastes other than unpolluted cooling water.

STORM SEWER. A storm drain.

SUBMERGED INLET. A water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.

SUSPENDED SOLIDS. Solids that either floats on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
**SYSTEM OR WATER DISTRIBUTION SYSTEM.** The Village water supply and distribution system to water services customers within the Village.

**TREATMENT WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage as part of a SEWAGE WORKS.

**UNIT or UNITS.** The quantity of sanitary sewage or water used, ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and the benefit derived there from, defined or determined from time to time by the village through its Council. Units are set forth in § 51.21, according to the type of use to which the property is put. Any use not enumerated in § 51.21 shall, in the discretion of the Village Manager, upon authority of the Council, possess those units which attach to the property based upon the most similar use enumerated in § 51.21.

**USER.** The owner, lessee or occupant of any premises connected to or served by the System.

**USER CHARGE.** The charge levied on all users of the treatment works for the cost of operation and maintenance, including replacement and depreciation, of such treatment works and the cost of any bond debt of which debt repayment is to be made from the revenues of such works.

**VILLAGE.** The Village of Kalkaska, Kalkaska County, Michigan.

**WATER CONNECTION.** Part of the water distribution system connecting the water main at the curb stop with the premises served.

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently.

**WATER MAIN.** The primary and intermediate transmission and local distribution lines of the water distribution system.

**WATER SERVICE STUB CHARGE.** The amount charged to each premises in the village for the actual construction of one or more service stubs from the new construction of the water system to the property line of the premises or the edge of the easement if water is in an easement at the time such service stub is constructed.

**WATER SERVICES.** The provision of water by the village.

**WATER SYSTEM.** The village water system established and constructed by the village, consisting of the mains and facilities to be acquired and constructed by the village.

**WATER TAP FEE.** The amount charged at the time and in the amount hereinafter provided to each premises in the village for connecting or being connected to the construction of the water system, representing the proportionate cost allocable to such premises for the facilities by which water services are immediately provided to the premises.
WRC PERMIT. The permit entitled “Authorization to Discharge to the Groundwater’s of the State of Michigan.”
(‘67 Code, § 6.18)

§ 51.04 APPLICATION FOR SERVICE.

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

(B) After service pipes have been installed or connection to the village sewer or water mains are made, service may be secured by making application to the Clerk or Village Manager on such forms as shall be prescribed by the Department.

(C) The Clerk shall maintain a record of all connection permits issued and a record of all applications for sewer and water service.
(‘67 Code, § 6.19)

§ 51.05 GUARANTEE DEPOSIT.

(A) Deposit required. A cash deposit, as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk, shall be paid as security for payment of service connection, with provisions of § 51.06(B) in such cases where a deposit is required by the provisions of Section 21 of Public Act 94 of 1933, being M.C.L.A. § 141.121. The deposit shall constitute a guarantee deposit that shall be continuously held as a guarantee of payment for water service connection. Such deposit shall bear no interest and shall be retained by the Clerk.

(B) Shut-off for nonpayment. In all cases where water is shut off for nonpayment of a water service bill, before service is resumed, the consumer shall reapply for water service and, in addition to paying the delinquent bill and any other charges required in this chapter, should at the Council's discretion be required to make a guarantee deposit of $10.

(C) Execution of leases. Tenants of persons complying with the provisions of § 51.28 with respect to execution of leases shall pay a guarantee deposit with their application for water and sewage service.
(‘67 Code, § 6.20)

§ 51.06 INSTALLATION OF SERVICE.

(A) Permit denial. The Clerk shall not grant a connection permit at any time when in the judgment of the Village Manager the making of connections will endanger the mains from frost or other damage.

(B) Installation payable by owner. All service connections to water mains and all connections to village sewers must be made at the expense of the owner of the premises served. Such work shall be performed only by the Department or by a licensed plumber under the supervision of the Department.
(C) **Installation regulated.** All work performed in connection with supplying sewer or water service to any premises, including the installation of all fixtures within such premises shall be done in accordance with rules and regulations issued by the Department with the approval of the Council. All pipes, fittings, and fixtures and all other materials shall be in accordance with the specifications prescribed in the current A.S.T.M. specification and the current A.W.W.A. specification.

('67 Code, § 6.21)

§ 51.07 MAINTENANCE OF SERVICE.

(A) **Compliance with regulations.** The Department shall not turn on the water in any premises or permit the connection of any premises to a village sewer until all the conditions prescribed by this chapter and by 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) **Unauthorized use.** No person shall turn on water into any premises or connect any premises to a village sewer except upon the authority of the Department, except that any licensed plumber may temporarily turn on the water for the purpose of testing the pipes only.

(C) **Repair payable by owner.** Every person having water and/or sewer service shall at his own cost and expense keep in repair all pipes and equipment from the outlet of the water meter/curb stop/property line, whichever point is closest to the water main, to any private point of water use and/or structure, and, on any sewer line from the property line to any private point of sewer use and/or structure. If in the Village’s judgement any user and/or any responsible party damages or causes to be damaged any portion of the Village water and/or sewer infrastructure through action or neglect by the user, then the user and/or any responsible party may be held fully liable for all costs incurred by the Village in repair.

(D) No private excavation or work may take place in the Village ROW or any Village easement without the express pre-authorization of the Village Manager

(E) It is expressly stipulated that no claim may be made against the village on account of failure to keep such pipe or equipment in repair. The Department is authorized to turn off the water from any premises upon failure to make necessary repairs as required by the Department.

(F) It is expressly stipulated that no claim may be made against the Village for failure of any part of Village water and/or sewer infrastructure.

(G) **Authorized shut-off.** The village 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 Department 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 such notice shall not render the village responsible or liable in damages for any inconvenience, injury, or loss that may result there from.

('67 Code, § 6.22) Penalty, see § 51.99

§ 51.08 METERS.
(A) **Flat rates prohibited.** All premises using village water shall be metered except as provided by this chapter. Water will not be supplied at flat rates, except in special cases, after such supply has been reviewed and approved by resolution of the Council. The Village reserves the right to determine the size and type of meter used. The Village reserves the right to require the installation of remote meter reading equipment. The cost of that equipment and its installation shall be charged to the user at the prevailing rates and actual cost of material and labor.

(B) **Installation payable by user.** The Department shall furnish ¾” water meters to permitted water service installations within the village. The cost of a larger water meter shall be paid by the user, who shall receive a credit for the cost to the Department of a ¾” meter. The additional cost to a user of a larger meter shall be considered an additional fee for connection to the water service. (Am. Ord. 7-23-01)

(C) **Village ownership and maintenance.** Regardless of purchaser and upon connection, the village shall have ownership of all water meters connected to the water system. The Department will maintain and make necessary repairs to meters occasioned by normal usage, and any user connected to the water service will provide access to a village water meter for the purposes of such maintenance upon reasonable notice. A user of the village system is responsible for the care and protection of a meter from damage from freezing or hot water, from injury by carelessness on the part of any person using the property upon which the meter is located, and shall be responsible for the cost of any repairs or replacement when necessitated by said damage or injury. (Am. Ord. 7-23-01)

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

(E) **Unauthorized attachment or detachment.** It shall be unlawful for any person to attach a water meter to any service pipe unless the meter shall have been furnished or approved by the Department. Once attached, it shall be unlawful for any meter to be intentionally removed from the village system without the approval of the Department. (Am. Ord. Passed 7-23-01). No person shall make a connection on a service line between the water meter and the street mains.

(F) **Unauthorized bypass.** It shall be unlawful for any person to cause or permit a bypass or connection around a meter. All water furnished by the village 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) **Meter accuracy test.** The accuracy of the meter on any premises will be tested upon written request of the owner to the Clerk accompanied by a fee as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk. The request shall be referred by the Clerk to the Department. If on the test a meter shall be found to register over 4% more water than actually passed through it, the Department will so notify the Clerk and will repair the meter or substitute another meter for it. The Clerk shall notify the consumer, refunding the fee and advising him of his right to make a claim to the Council for an adjustment of the water bill.
(H) **Allowance or rebate for meter error.** Any consumer may make a written claim to the Council for allowance or rebate by reason of waste, leakage, or error in meter charge. Such claim shall be in the form of an affidavit setting forth in detail the facts upon which the claim is based. Claims shall be referred by the Council to the Village Manager for investigation and recommendation. The Council may make such adjustment to the water and sewer service bill or bills as it deems fair and just under the circumstances and shall, by resolution, authorize the Clerk to refund the amount so authorized.

(I) **Meter removal.** The Department shall have the right to take out any meter for the purpose of inspecting, repairing, or testing at any time. ('67 Code, § 6.23) Penalty, see § 51.99

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

(K) **Curb Box.** No person shall remove the cover from any curb box or place any dirt, stone or other obstruction in it or tamper with any meter or valve or commit any act tending to obstruct the use thereof.

(L) **Injury to Facilities.** No person, except an employee of the Village in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system.

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

(N) **Responsibility for Damages.** The Village will not be responsible for any damages because of failures of or within the System, or actions by the Village to correct such failures.

(O) **Water Leakage.** It shall be the responsibility of the user to repair any leaks between the meter and the structure served.

§ 51.09 INSTALLATION OF TOILET FACILITIES.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the village and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or water main of the village, is required at his expense to install suitable toilet facilities therein and connect such facilities directly with the proper public
sewer and water system, in accordance with the provisions of this chapter, within 18 months after date of official notice to do so, provided that the public sewer or water is within 100 feet of the property line. (‘67 Code, § 6.24) Penalty, see § 51.99

Cross-reference:
For other provisions relating to mandatory or prohibited facilities, see §§ 51.52 and 93.04

§ 51.10 PRECONDITIONS TO APPROVAL OF PLATS AND ISSUANCE OF PERMITS; LATERAL SEWERS.
Plats for premises subdivided into four or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, which premises are within the area in the village served by the water system and sewage disposal system, shall not be approved or issued on behalf of the village, and none of said premises shall be improved hereafter by the erection thereon of a building or structure for human use or occupancy, unless lateral sewers to serve all of said premises, as subdivided or to be improved, are provided; and to connect same to the system when available as part of the system or shall install such extensions at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the village, as otherwise provided by law).

(‘67 Code, § 6.25) Penalty, see § 51.99

§ 51.11 LIMITATIONS.
No user may use an amount of water greater than 5% of the capacity of the sewage treatment works unless such use is in accord with a permit granted by the Kalkaska Village Council. (Am. Ord. 7-23-01)

SERVICE AND TAP FEES

§ 51.20 WATER TAP CONNECTION FEES.
(A) Water Connection Fees. Applicants for water connections shall be made to the Village on forms prescribed and furnished by it. Water connections, plumbing and water meters shall be installed in accordance with the rules and regulations of the Village and upon payment of the applicable connection fee and meter installation fee.

(B) For a direct connection to the water system, a user shall pay a direct connection fee. For purposes of this section, a “direct connection” is a connection of the premises to a system water main. For an indirect connection to the water system, a user shall pay an indirect connection fee. For purposes of this section, an “indirect connection” is the connection of a premise to a water main or local distribution line installed and paid for by the user. The direct connection fee and indirect connect fees shall be established in accordance with this section and as determined from time to time by resolution of the Village Board.

(C) Water meters shall be installed by the Village, unless other arrangements are made with the DPW Superintendent.

(D) Water service will not commence until payment in full for the installation has been made to the Village. Construction of a water service line shall be done as expeditiously as possible after written notice to proceed, but the time for construction shall be at the convenience of the Village.

§ 51.21 SEWER CONNECTION FEES.
(A) **Sewer connection fee exemption.** Owners of premises within the area in the village served by the sewage disposal system on which sanitary sewage is provided, as of the effective date hereof, and who prior to the effective date hereof have paid connection and availability fees, shall pay additional fee for connection to the sewage disposal system.

(B) **Sewer connection fee.** Owners of premises within the area in the village served by the sewage disposal system on which sanitary sewage is produced, as of the effective date hereof, and who have made application for connection to the system which are hereafter connected directly or indirectly to the system, shall pay a sewer connection fee (including sewer service tap fee and sewer service stub fee) for connection to the system in the amount as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk. The sewer connection fee shall be paid in full prior to issuance of a zoning permit for construction of a new building. In the case of an existing building being connected to the sewer system, the fee shall be paid in full prior to connection the system. A credit may be issued up to the amount of the sewer connection fee when the building contractor installs the tap and stub without utilizing the Village equipment or personnel.

(C) **Sewer availability fee.** Owners of premises within the area in the village served by the sewage disposal system, on which sanitary sewage is produced, as of the effective date hereof, or who make application for connection to the system and which are hereafter connected directly or indirectly to the system, shall pay a sewer availability fee that reserves space for treatment of sewage in the Kalkaska Clean Water Plant. The fee shall be based on the REU equivalent for the proposed development as detailed in Section 51.23 of this ordinance. The sewer availability fee shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk. The sewer availability fee shall be paid in full prior to issuance of a zoning permit for construction of a new building. In the case of an existing building being connected to the sewer system, the fee shall be paid in full prior to connection to the system.

§ 51.22 SEWER CONNECTION INSPECTION FEE.
A sewer connection inspection fee, as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk, is hereby established. If, however, unusual circumstances demand, the village may charge inspection costs on an hourly basis with a minimum fee as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk.


§ 51.23 ASSIGNED UNITS.
(A) **Assignment of units.** The number of units to be assigned to any particular premises used for other than singular residence purposes shall be determined by the Village Council based on unit factors set forth in the table in division (D) below. The Village Council, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises, but for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth.
(B) *Effect of changes in use.* Once any premises has been connected to the water system or the sewage disposal system and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of the premises (including destruction, removal, or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the water connection fee or sewer connection fee charged to the premises, in the amount and for the period hereinabove provided, for the number of units assigned to the premises at the time of imposition of such fee.

(C) *Revised units for increased service.* If subsequent changes at any time increase the amount of water service to or the amount of sanitary sewage produced on the premises, the Village Council shall increase the number of units assigned to the premises, and thereupon a water connection fee or a sewer connection fee as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk, computed on the same basis for the additional units, shall be payable in cash at the time a construction or other permit is issued by the village for such changes in use or at the time such change in use occurs, if no permit is issued or required.
## Table of unit factors

*Unit factors calculated to less than 1 unit to be rounded to 1 unit*

<table>
<thead>
<tr>
<th>Classification</th>
<th>REU Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Dealers</td>
<td>1.0 Per premise, plus 0.25 per 1,000 square feet of building including service area</td>
</tr>
<tr>
<td>Auto Repair/collision</td>
<td>Same as above</td>
</tr>
<tr>
<td>Banks</td>
<td>0.5 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Barber Shops</td>
<td>1.0 per shop, plus 0.1 per chair</td>
</tr>
<tr>
<td>Bars</td>
<td>4.0 per 1,000 square feet</td>
</tr>
<tr>
<td>Beauty Shops</td>
<td>1.0 per shop, plus 0.1 per booth</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>1.0 per premise, plus 0.2 per alley</td>
</tr>
<tr>
<td>Car wash (coin operated do-it-yourself 10 gals. or less per car)</td>
<td>1.0 per stall</td>
</tr>
<tr>
<td>Car wash (mechanical not recycled)</td>
<td>10.0 per stall or production line including approach and drying area</td>
</tr>
<tr>
<td>Car wash (mechanical recycled)</td>
<td>5.0 per stall or production line including approach and drying area</td>
</tr>
<tr>
<td>Churches (plus 1 for living quarters, if applicable)</td>
<td>0.25 per 1,000 square feet (1.0 min.)</td>
</tr>
<tr>
<td>Cleaners (cleaning &amp; pressing facilities)</td>
<td>1.0 per premise, plus 1.0 per 1,000 square feet</td>
</tr>
<tr>
<td>Cleaners (pick up only)</td>
<td>1.0 per shop</td>
</tr>
<tr>
<td>Clinics (i.e., doctors, dentists, chiropractors, etc.)</td>
<td>1.0 per premise, plus 0.25 per exam room</td>
</tr>
<tr>
<td>Clothing or shoe stores, men’s or women’s</td>
<td>0.5 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Convalescent Homes</td>
<td>1.0 per premise, plus 0.25 per bedroom</td>
</tr>
<tr>
<td>Convents</td>
<td>1.0 per premise, plus 0.25 per bedroom</td>
</tr>
<tr>
<td>Country Clubs</td>
<td>1.5 per 1,000 square feet of clubhouse, plus restaurant and bar</td>
</tr>
<tr>
<td>Drapery or Fabric Retail</td>
<td>0.5 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Drug Stores</td>
<td>1.0 per premise, plus snack bar</td>
</tr>
<tr>
<td>Factories (exclusive of industrial waste)</td>
<td>1.0 per premise, plus</td>
</tr>
<tr>
<td>0 – 50,000 gallons per day</td>
<td>0.30 per 1,000 square feet</td>
</tr>
<tr>
<td>50,001 – 100,000 gallons per day</td>
<td>0.40 per 1,000 square feet</td>
</tr>
<tr>
<td>100,001 – 150,000 gallons per day</td>
<td>0.50 per 1,000 square feet</td>
</tr>
<tr>
<td>150,001 – 200,000 gallons per day</td>
<td>0.60 per 1,000 square feet</td>
</tr>
<tr>
<td>&gt; 200,001 gallons per day</td>
<td>determined at time of application</td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>1.0 per premise</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>1.5 per 1,000 square feet, plus residence to be computed separately</td>
</tr>
<tr>
<td>Furniture Store</td>
<td>0.25 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>CLASSIFICATION</td>
<td>REU VALUE</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Gift Shop</td>
<td>0.75 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Grocery stores and supermarkets</td>
<td>1.0 per premise, plus 0.5 per 1,000 square feet</td>
</tr>
<tr>
<td>Group day care home</td>
<td>2.5 per premise</td>
</tr>
<tr>
<td>Hospital – acute care</td>
<td>1.0 per bed</td>
</tr>
<tr>
<td>Hospitals – long term care</td>
<td>0.2 per bed</td>
</tr>
<tr>
<td>Jail</td>
<td>1.0 plus 0.5 per bed</td>
</tr>
<tr>
<td>Laundry – Self service</td>
<td>1.0 per premise, plus 0.25 per washer</td>
</tr>
<tr>
<td>Lumber Yard</td>
<td>1.0 per premise, plus warehouse</td>
</tr>
<tr>
<td>Medical Marijuana Class A Cultivation Facility</td>
<td>1.0 per premise, plus 0.75 per license</td>
</tr>
<tr>
<td>Medical Marijuana Class B Cultivation Facility</td>
<td>1.0 per premise, plus 1.5 per license</td>
</tr>
<tr>
<td>Medical Marijuana Class C Cultivation Facility</td>
<td>1.0 per premise, per 2.25 per license</td>
</tr>
<tr>
<td>Mobile Home – Free standing or in Mobile Home Park</td>
<td>1.0 per mobile home</td>
</tr>
<tr>
<td>Mobile Home Parks (Vintage parks established prior to</td>
<td>0.75 per pad or site, plus laundry, community building, and office</td>
</tr>
<tr>
<td>1976 with lots less than 5,000 sf)</td>
<td></td>
</tr>
<tr>
<td>Motel units with complete kitchen facilities</td>
<td>0.5 per unit</td>
</tr>
<tr>
<td>Motels, Hotels</td>
<td>0.4 per unit, plus restaurant and bar</td>
</tr>
<tr>
<td>Multiple Family – Duplex or Row Houses</td>
<td>1.0 per dwelling unit</td>
</tr>
<tr>
<td>Multiple Family residence/Apartments</td>
<td>1.0 per dwelling unit</td>
</tr>
<tr>
<td>Office Building</td>
<td>0.5 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Post Office</td>
<td>1.0 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Printing Shop</td>
<td>1.0 per premise</td>
</tr>
<tr>
<td>Public Institutes (other than hospitals)</td>
<td>0.75 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Research/Testing Laboratory</td>
<td>1.0 per 1,000 square feet (1 min.)</td>
</tr>
<tr>
<td>Restaurants (dinner and LCC license)</td>
<td>3.5 per 1,000 square feet</td>
</tr>
<tr>
<td>Restaurants (meals only)</td>
<td>2.5 per 1,000 square feet</td>
</tr>
<tr>
<td>Restaurants Aux. Dining Rooms when used less than 20 hrs. per week</td>
<td>2.0 per 1,000 square feet</td>
</tr>
<tr>
<td>Schools</td>
<td>1.0 per classroom</td>
</tr>
<tr>
<td>Service Station (with convenience store)</td>
<td>1.5 per 1,000 square feet of building area</td>
</tr>
<tr>
<td>Service Station (gas &amp; restroom only)</td>
<td>1.0 per double faced pump</td>
</tr>
<tr>
<td>Service Station (gas only)</td>
<td>1.0</td>
</tr>
<tr>
<td>Single Family Home</td>
<td>1.0</td>
</tr>
<tr>
<td>Skating or Roller Rinks</td>
<td>1.0 per 1,000 square feet</td>
</tr>
<tr>
<td>Snack bars, drive-ins, etc.</td>
<td>2.5 per 1,000 square feet</td>
</tr>
<tr>
<td>Store (other than specifically listed)</td>
<td>1.0 per premise, plus 0.1 per 1,000 square feet</td>
</tr>
<tr>
<td>Swimming Pool – (building inside)</td>
<td>3.0 per 1,000 square feet</td>
</tr>
<tr>
<td>Theaters – Inside w/air conditioning</td>
<td>0.04 per seat</td>
</tr>
<tr>
<td>Veterinary Facility</td>
<td>1.5 per facility</td>
</tr>
<tr>
<td>Veterinary Facility with Kennel</td>
<td>1.5 per facility, plus 0.5 per 5 kennels</td>
</tr>
</tbody>
</table>
§ 51.24 CHARGES FOR WATER SERVICES AND SEWAGE DISPOSAL SERVICES.

(A) **Basic charges.** Charges for water services and sewage disposal services to each premise within the village connected with the water system and the sewage disposal system shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk.

(B) **Excess use.** All material usage in excess of 15,000 gallons per unit per quarter shall be billed at an amount as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk.

(C) **Part time or summer residences.** Part time or summer residences shall pay the minimum quarterly charge during the entire year.

(D) **Unmetered service.** All unmetered water customers shall pay an amount as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk.

(E) **Free service prohibited.** Except as otherwise provided in this ordinance, all water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water customers by the Village. No free service shall be furnished by the system to the village or to any person, firm, or corporation, public or private, or to any public agency or instrumentality, except water used for fire protection.

(F) **Collection of charges.** Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 10th day of the month following the period of service and shall be payable to the Village. All water customers shall pay a monthly fee (Base rate) and a use fee (Use Rate) in an amount as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk. ('67 Code, § 6.28) (Am. Ord. passed 1-28-80; Am. Ord. passed 11-10-80, Am. Ord. 6-11-01; Am. Ord. 5-10-04). Said water rates and charges shall be based on the quantity of water used on or in the property, as measured by the water meter therein used, except as otherwise provided. If a meter cannot be read, an estimated charge will be made and adjustment, if necessary, will be made when the meter reading can be obtained.

(G) **Sewer laterals on vacant lots.** Charges for sewer laterals on vacant lots shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk. (Roll call vote, passed 10-8-90)

(H) **For those sewer accounts in which the structure being served by public sewer has been removed, the rate for sewer shall be that of a vacant lot and the current availability charge will apply.**

(I) **Water Distribution Lines.** Charges for the installation of local water distribution lines of the water distribution system are hereby established for the purpose of recovering the cost of construction,
reconstruction, maintenance, operation and replacement of said local water distribution lines. Such charges shall be made in accordance with the provisions hereinafter set forth.

(1) Payment of Local Distribution Line Installation Charges. Whenever a water main used for local distribution is constructed, except if pursuant to a special assessment project or if funded entirely by State or federal grants, the property owners whose property is served by the line and on which property the line is used by a commercial user, a domestic user or an industrial user shall pay their share of the cost of construction and installation as herein established at the time of construction. Any property owner requesting service who has not previously paid his share of the cost of constructing the water main used for local distribution shall pay those costs as established by the then effective resolution of the Village Council setting the local water distribution charges.

(2) Computation of Local Distribution Charges and Annual Review. The charge shall be known as the “front foot rate” and be determined by multiplying the rate per foot by the number of feet the property owner has fronting on the water main used for local distribution. The front foot rate shall be as set from time to time by resolution of the Village Council. Following an annual review of the charges, the Village Council may change the charges to reflect the current cost of construction and installation of local distribution lines.

(3) Assessment of Charges. Upon completion of construction or at the time connection is requested (if this cost has not been paid at the time of construction), the Village shall certify the cost to be charged to the property owner. The Village shall bill the owner of the premises affected, advising him that the amount so billed is to be paid prior to connection to the local distribution line serving the property of said property owner.

(4) Deferral of Assessments. If the Village Council so decides, such installations and connections may be made at the expense of the System when the owner of the premises signs a written agreement agreeing to pay the expense of such installation and connections upon terms agreeable to the Village Council and that the unpaid balance shall constitute a lien upon his property of the same character and subject to the same methods of collection as prescribed for special assessments.

§ 51.25 CHARGES FOR PRIVATE WATER SYSTEM FOR UNMETERED FIRE SERVICE. The owner of a private water system for unmetered fire service shall pay a charge per quarter for an unmetered connection to the water system based on the size of water connection, the amount of which shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk.

('67 Code, § 6.29)

§ 51.26 CHARGE FOR USER WHO INJECTS FOREIGN WASTE STREAM INTO SYSTEM.

(A) Any user who injects a foreign waste stream into the municipal sewer system (i.e. a stream that did not have its origination in, and was not purchased from, the municipal water system) shall be charged $1.49 per 1,000 gallons of product.

(B) At the discretion of the village, analysis of a foreign waste stream may be required to safeguard the municipal sewage system. The cost of analysis is to be borne by the party injecting the foreign waste stream.
(C) Acceptance of the foreign waste stream is at the discretion of the Village Manager, and will be based on, but not necessarily limited to, the level and type of products or contaminants contained in the foreign waste stream, as well as the stream's total volume.

(D) Cost of foreign waste stream metering is the responsibility of the user. (Res. passed 6-12-95)

§ 51.27 STATEMENTS.
The Clerk shall, immediately upon receipt of meter readings from the Department, prepare statements for the respective terms. These statements shall contain the names of all persons liable to pay for the use of such metered water and for sewer services and the amount payable. Such statements shall be collected by the Clerk on or before the tenth day of the month.

('67 Code, § 6.31)

§ 51.28 LATE CHARGE FOR UNPAID SERVICES; DISCONTINUANCE OF SERVICE.
(Amended per ordinance No. 2015-002 adopted 06/08/15)

(A) Late Charge, discontinuance. If any charges for water service or sewage disposal services are not paid on or before the due date, then a late charge as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk shall be added thereto. In the event that the charges for any such services furnished to any premises shall become past due in the amount of $125.00 or more and are not paid by the final due date, then all services furnished by the water system or the sewage disposal system may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including charges and interest, shall be paid, plus all expenses incurred by the Village for shutting off and turning on the service.

(B) Notice and service charge. In all cases the Clerk shall notify in writing all delinquent customers, setting forth all the amount so unpaid, late charge and establish a final due date time for payment not to exceed 45 days from the date of billing of the original bill. Failure to pay by that date will be sufficient reason to add an additional service charge as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk and turn off the water and sewer supply without further notice. Service will not be reconnected under such circumstances until all unpaid bills and charges have been paid.

(C) Request for discontinuance or return of service. In the event a water customer desires water service to be discontinued, said customer shall so request in writing not less than 48 hours prior to time of such discontinuance of service is desired. The Village is not obligated to recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment. The Village may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

§ 51.29 INTEREST RATE ON UNPAID FEES.
If any bill shall not be paid by the 10th of the month in which it is due, a late charge of ten percent (10%) shall be applied to the current amount past due and collected therewith. Penalty charges will not be compounded.  
('67 Code, § 6.33)

§ 51.30 LIEN FOR DELINQUENT CHARGES.
All of the chargers for water and sewer services furnished to a premises that are authorized under this Chapter and the provisions of Section 21 of Act 94 of the Public Acts of 1933, as amended, shall constitute a lien against the premises to which the services have been rendered whenever any such charges are delinquent for six (6) months or more, unless written notice is given that a tenant is responsible for the payment of all such chargers. This written notice shall include a copy of the lease of the affected premises, if there is a lease. On May 1st of each year, the Village Clerk shall certify to the Kalkaska Township Assessor, the tax assessing officer for the Village, the fact of such delinquency, whereupon such delinquent charges shall be entered upon the next tax roll as charges against such premises and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises. However, when the required written notice is given that a tenant is responsible to pay such charges, as provided by Section 21 of Act 94 of the Public Acts of 1933, as amended, then the delinquent charges shall not become a lien against the premises after the due date of the notice. In that event no further water or sewer services shall be rendered to such premises until a cash deposit in an amount established by resolution of the Village Council has been paid to the Village as security for the payment of future water and sewer charges. (Amended per Ord. 2019-001 Adopted 4-8-19).

§ 51.31 COLLECTION OF DELINQUENT CHARGES.
(A) The provisions of this chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus or otherwise, in any court having jurisdiction. Any violation of this chapter is deemed to be a nuisance per se.

(B) Delinquent sewer or water service charges may be collected by suit in assumpsit brought in the name of the village against the owner or occupant of the premises or property, or both.

(C) Any sewer or water service rate or charge not paid within 30 days after it shall become due and payable shall be considered to be delinquent.

(D) The production of the books of the Clerk shall be prima facie evidence of the liability to pay the amount therein charged.  
('67 Code, § 6.35)

§ 51.32 ERRORS
If an error in billing or metering occurs which results in overcharging a customer, the Village of Kalkaska Water & Sewer Department shall refund or credit the overcharge based on the actual time the overcharge occurred within the thirty six (36) month period immediately preceding the discovery of the error (Am. Ord. Passed 1-27-14).

USE OF PUBLIC SEWER AND WATER DISTRIBUTION SYSTEM

§ 51.45 USE OF HYDRANTS AND FIRE EQUIPMENT.
(A) Unauthorized use. No person except an employee of the Village in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the Village and paying such charges as may be prescribed by the Village.

(B) Request for installation. When the installation of private fire protection equipment is desired on any premises, an application in writing shall be made to the Clerk. A permit, countersigned by the Village Manager, may be issued by the Clerk, but only upon the express provision that such installation shall be made only under the supervision of the Department.

(C) Unauthorized use of pipes and hoses. 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 such opening or hose for any purpose other than extinguishing fire or for the purpose of testing fire equipment. Testing of such fire equipment shall be conducted only under the supervision of the Department of Public Works.

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

(‘67 Code, § 6.37) Penalty, see § 51.99

§ 51.46 USE OF WATER.

(A) Unauthorized use and sale. No person shall without consent take or use village sewer service or water service from premises other than his own, and no person shall sell sewer or water services from his own premises for any purpose.

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

(C) Multiple premises supplied by one service. Whenever two or more premises shall be supplied with water from one service pipe, connected from one distributing main, upon the failure on the part of any one of the owners of the premises to comply with this chapter or the rules and regulations adopted pursuant thereto, the Department 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 premise.

(D) Use prohibited during fire. No person shall attach a hose or sprinkler during the time of fire or from the time a fire alarm is sounded until a signal is given that the fire is out.

(‘67 Code, § 6.38) Penalty, see § 51.99

(E) Limitation of Water Use. The Village Council may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the Village, except in an emergency as may be deemed by the Director. In the case of such emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Village Council and notice
shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

§ 51.47 STORM WATER; UNPOLLUTED DRAINAGE.
(A) Authorized discharge. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet. ('67 Code, § 6.1857(a))

(B) Unauthorized discharge. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. ('67 Code, § 6.385) Penalty, see § 51.99 Cross-reference:
For provisions relating to the discharge of industrial cooling water into storm sewers, see § 51.51(E)

§ 51.48 DISCHARGES DAMAGING TO EQUIPMENT OR OBSTRUCTING FLOW PROHIBITED.
No person shall discharge or cause to discharge to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the operation of the sewage works. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times. ('67 Code, § 6.386) Penalty, see § 51.99

§ 51.49 OTHER DISCHARGES PROHIBITED OR LIMITED.
Except as provided by this section, no person shall discharge any of the following described waters or wastes to any public sewers:

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

(B) Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammables.

(C) Garbage not properly shredded (no particle size greater than 1/2 inch).

(D) Grease, oils, wax, fat, whether emulsified or not, in excess of 100 mg/l; or other substances which may solidify or become viscous at temperatures between 32° F. and 150 ° F.

(E) Industrial wastes containing Cd, Cr total, Cu, Fe, Ni, Pb, Phenols, and Zn in concentrations above limitations set forth by appropriate state agencies to comply with federal guidelines for
protection of treatment plant and receiving water course and limitations set forth in the MDEQ authorization to discharge to the groundwaters of the state or any other metallic compounds in sufficient quality to impair the operations of the sewage treatment processes.

(F) Inert suspended solids, such as but not limited to Fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate, except by permit of the Village of Kalkaska.

(G) Insoluble solid, or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshing, and the like.

(H) Any noxious or malodorous liquids, gas, solids which either singly or by interaction are capable of creating a public nuisance or hazard to life, or are sufficient to inhibit or prevent entry by personnel into sewers, for maintenance and repair. These prohibited items included but not limited to hydrogen sulfide, sulfur dioxide, and oxides of nitrogen.

(I) Any water or waste having a pH less than 5.5 or greater than 9.5.

(J) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

(K) Any heated waste in amounts that will inhibit biological activity in the Kalkaska Clean Water Plant resulting in interference, but in no case heat in such quantities that the temperature of waste at the Kalkaska Clean Water Plant exceeds 40 °C (104 °F) unless the Village Manager, upon request of the operator of the Kalkaska Clean Water Plant, approves alternate temperature limits.

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

(M) Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through the Kalkaska Clean Water Plant.

(N) Any trucked or hauled pollutants, except at discharge points designated by the village.

(O) Pollutants which create a fire or explosion hazard in the Kalkaska Clean Water Plant including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40CFR 261.21.

(P) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the Kalkaska Clean Water Plant resulting in interference.
(Q) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the Kalkaska Clean Water Plant.

(R) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Kalkaska Clean Water Plant in a quantity that may cause acute worker health and safety problems.

(S) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(T) Medical wastes, except as specifically authorized by the Village Manager and the MDEQ in a wastewater discharge permit.

(U) Wastewater causing, alone or in conjunction with other sources, the Clean Water Plant's effluent to fail a toxicity test.

(V) Detergents, surface-active agents, or other substances which may cause excessive foaming in the Kalkaska Clean Water Plant.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste with unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern, unless prohibited by State or Federal Regulations.

§ 51.50 AUTHORITY OF VILLAGE MANAGER TO REQUIRE PRETREATMENT.

(A) Village Manager may prescribe limits. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Village Manager, who may prescribe limits on the strength and character of these waters or wastes. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 51.49 of this ordinance within the time limitations specified by EPA, the State, or the Village Manager whichever is more stringent. Where necessary, in the opinion of the Village Manager, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Village Manager and of the MDEQ, and no construction of such facilities shall be commenced until approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(B) Supervision and control of facilities. The Village Manager shall place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
(C) Process flow discharge; potential environmental problems. Any industry or structure discharging process flow to the sanitary sewer, storm sewer, or receiving stream shall file the material listed below with the Village Manager. The Village Manager may require each person who applies for or receives sewer service or who through the nature of the enterprise creates a potential environmental problem to file the material listed below:

1. A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

2. A plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted and described and the waste stream identified.

3. Sample test results with the Village Manager and the appropriate state agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Village Manager.

4. A report on raw materials entering the process or support system, intermediate materials, final product, and waste byproducts as those factors may affect waste control.

5. Records and file reports on the final disposal of specific liquid, solid, sludge’s, oils, radioactive materials, solvents or other wastes.

6. Notice of any industrial process to be altered so as to include or negate a process waste or potential waste; written notification shall be given to the Village Manager, subject to approval.

(D) Discretion of the Village Manager. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and if those waters contain the substances or possess the characteristics enumerated in and which in the judgment of the Village Manager may have a deleterious effect upon the sewage works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village Manager may:

1. Reject the wastes.

2. Require pretreatments to the level defined as Normal Domestic Sewage.

3. Require control over the quantities and rates of discharge.

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under this section.
5. Require new industrial and commercial customers or industrial or commercial customers with significant changes in strength or flow to submit prior information to the Village Manager concerning the proposed flows.

(E) Design and installation of plant and equipment. If the Village Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Manager and subject to the requirements of all applicable codes, ordinances and laws.

(F) Maintenance of facilities. 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 expense.

§ 51.51 FACILITIES, TESTS, AND TREATMENT REQUIRED.

(A) Manhole required for building sewers. When required by the Village Manager for existing structures, and for all new industrial and commercial users, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analysis of the characteristics of water and wastes shall be determined in accordance with accepted industry practices, and shall be determined at the control manhole 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.

(B) Standard methods required. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be performed in accordance with 40 CFR Part 136 and shall be monitored 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.

(C) Sampling methods required. 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 premise is appropriate or whether a grab sample or samples should be taken.

(D) Allowance for industrial waste. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the village and industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefore by the industrial concern.
(E) Industrial cooling water pretreatment. Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to an onsite retention system, or an existing storm sewer.

For provisions relating to the discharge of unpolluted drainage into storm sewers, see Section 51.47.

§ 51.52 TOILET FACILITIES REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the village and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or water main of the village is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer and water in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that the public sewer or water is within 100 feet of the property line. ('67 Code, § 6.389(a)) Penalty, see § 51.99

Cross-reference: For other provisions relating to mandatory or prohibited facilities, see §§ 51.09 and 93.04

§ 51.53 EXCREMENT AND GARBAGE PROHIBITED.

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 village or in any area under the jurisdiction of the village any human or animal excrement, garbage, or other objectionable waste. ('67 Code, § 6.389(b)) Penalty, see § 51.99

§ 51.54 POLLUTED DisCHARGE ProHibITED.

It shall be unlawful to discharge to any natural outlet within the village or in any area under the jurisdiction of the village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. ('67 Code, § 6.389(c)) Penalty, see § 51.99

§ 51.55 PRIVIES PROHIBITED.

Except as provided by this chapter, it shall be unlawful to construct or maintain within the village any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. ('67 Code, § 6.389(d)) Penalty, see § 51.99

§ 51.56 PRIVATE SEWAGE DISPOSAL SYSTEM AUTHORIZED.

(A) Public sewer unavailable. Where a public sanitary or combined sewer is not available under the provisions of § 51.52, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) Permit required. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Village Manager. The applicant for such a permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications, and other information as is deemed necessary by the Village Manager.
A permit and inspection fee of $25 shall be paid to the Village Treasurer at the time the application is filed.

(C) **Inspection required.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Manager. He shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Village Manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seven days of the receipt of notice by the Village Manager.

(D) **Type, capacities, location, and layout.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Village Manager. 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 6,500 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(E) **Owner responsible for system.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village. *(67 Code, § 6.389(e)-(i)) Penalty, see § 51.99*

§ 51.57 CONVERSION OF PRIVATE SYSTEM TO PUBLIC.

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

(B) **Independent building sewers required.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear 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 one building sewer.

(C) **New construction.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village Manager, to meet all requirements of this chapter.

(D) **Building and plumbing code requirements.** The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(E) **Elevation of building sewer.** 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 such building drain shall be lifted by an approved means and discharged to the building sewer.

(F) Requirements for connection to public sewer. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, other applicable rules and regulations of the village, or the procedures set forth in appropriate specifications and shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the village before installation.

(G) Excavation permit and surety.

1) Amount of bond. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit may be required to execute unto the village and deposited with the Treasurer a corporate surety in the sum as shall be established from time to time by the Village Council and kept on file for public inspection in the office of the Village Clerk, conditioned that he or she will perform faithfully all work with the due care and skill and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the village pertaining to plumbing.

2) Contents of bond. This bond shall state that the person will indemnify and save harmless the village and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this chapter.

3) Duration of bond. Such bond shall remain in force and must be executed for a period of one year, except that on such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

('67 Code, § 6.3810) Penalty, see § 51.99

§51.58 REQUIRED USE OF THE PUBLIC SYSTEM.

(A) CONNECTION TO SYSTEM. As a matter of public health, the owners of all improved premises in the Village that are used for human occupancy, employment, recreation, or other purposes, which require or need the use of potable water and which abut any right-of-way, easement, highway, street, alley, or public way in which there is located, or in the future may be located, an available water main or local distribution line of the System, are hereby required, at the owners sole expense, to directly connect all buildings and structures on the premises used for said purpose(s) to the water distribution system, provided that said water main or local distribution line is within 100 feet from the nearest point of a premises using or requiring potable water.

(B) When the connection to an available water main or local distribution line is declared a necessity by the Village for the public health and welfare, all such connections required hereunder shall be completed no later than 180 days after the last to occur of (i) the date the water main or local distribution line becomes available to the premises, or (ii) the modification of a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Notwithstanding the preceding, if the Village of Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection
shall be so completed. Persons who fail to complete a required connection when required shall be liable for a penalty equal in amount to the Availability Charge and Commodity Charge that, based upon similarly situated Customers, the System would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

(C) In the event a required connection is not made within the time provided by subsection (b), the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available water main or local distribution line and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village ordinance. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Village may bring an action in court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property.

§51.59 PRIVATE WATER WELLS PROHIBITED.

No private water wells may be drilled, dug, developed, extended, enlarged or otherwise created or improved within the Village unless expressly permitted by Village ordinance.

§51.65 GREASE TRAPS

(1) All existing and future establishments where: A) Food is manufactured, sold or prepared, except for small areas designated as employee break areas or the equivalent; or, B) Wastewater containing fats, oils, and/or grease is being discharged to the Village of Kalkaska Sewer Collection System and Clean Water Plant shall install (at owner expense), operate, and maintain a sufficiently-sized oil and grease, water and solids separator (hereinafter called grease trap) necessary to achieve and maintain compliance with the limits set forth in Section 51.48 of the Code.

(2) All Existing establishments shall install grease traps as required by this ordinance within 180 days from the effective date of this ordinance. All establishments created after March 1, 2007, shall install, maintain and operate grease traps in accordance with the Code of Ordinances of the Village of Kalkaska prior to occupying the establishment.

(3) Unless otherwise authorized by the Village Manager or his designee (hereinafter referred to as Village Manager), all grease traps shall be of the outdoor, inline variety. With special authorization by the Village Manager, grease traps of the indoor, under-counter, stand-alone variety may be allowed. In this case, maintenance of indoor grease traps shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the “Grease Trap - 25% Rule” as defined herein.
(4) Grease traps shall be provided when they are necessary for the proper handling of liquid wastes containing grease in amounts that may potentially violate the Kalkaska Code of Ordinances or any flammable wastes, sand or other substances that are deemed harmful to the collection system and/or the Kalkaska Clean Water Plant. Such traps shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the Village Manager and shall be located so as to be readily accessible for cleaning and inspection.

(5) Grease traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

(6) Grease traps shall be operated in accordance with the manufacturer’s specifications.

(7) Grease traps shall be inspected periodically, but in no event less than once a month, to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device. Grease traps and their baffles shall be maintained free of all caked-on fats, oils, and grease and waste. Removable baffles shall be removed and cleaned during the maintenance process.

(8) Where installed, all grease traps shall be cleaned and maintained by the owner and shall be operated continuously in an efficient manner whenever the facility is in operation. The Village of Kalkaska shall have the right to inspect all traps and the maintenance and disposal records related to the operation of grease traps.

(9) The user shall be responsible for the proper removal and legal disposal of all grease trap waste in a manner consistent with the requirements of the Michigan Building Code, the United States Environmental Protection Agency, The Michigan Department of Environmental Quality and this ordinance. All waste removed from each grease trap must be disposed of by a licensed hauler at a facility permitted to receive such waste. No grease trap pumpage may be discharged to the Village of Kalkaska sanitary sewer collection system. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges and solids and jet flushing to remove any build-up on tank walls. Top skimming of outdoor grease traps, decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume to be hauled is prohibited.

(10) There shall be ample room and reasonable access to grease traps to allow accurate sampling and preparation of samples for transport and analysis.

(11) Grease traps shall be installed in compliance with the current Michigan Building and Plumbing Code. The Village Manager shall make final determination and approval of a grease trap’s size. If additional pretreatment and/or maintenance is required to meet the provisions in this ordinance, the Village Manager may require that the establishment in question upgrade to the requirements provided by this ordinance.
(12) The Village Manager may require additional pretreatment or grease traps for any establishment in existence prior to the effective date of this ordinance to meet the requirements of this ordinance.

(13) Maintenance of an outdoor grease trap shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the “Grease Trap - 25% Rule” and at intervals no less than once every 60 days nor more than every 90 days unless approved in writing by the Village Manager.

(14) The use of any bacteriological, chemical or enzymatic addition for the purpose of maintaining a grease trap is prohibited unless written approval is obtained from the Village Manager.

(15) The discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.

(16) The discharge of wastewater with temperatures in excess of 140 deg F to any grease control device, including grease traps and grease interceptors is prohibited.

(17) The discharge of waste from toilets, urinals, washbasins, and other fixtures containing fecal materials to sewer lines intended for grease interceptor service is prohibited.

(18) The user shall be responsible for maintaining records and logbooks of grease interceptor or grease trap cleaning and maintenance activities. The record or logbook shall include the dates inspected, name of inspector, inspector’s observations, dates cleaned, and dates and nature of maintenance. The user shall also be responsible for maintaining records and/or manifests of waste hauling grease interceptor contents to include, name of hauling company, name and signature of operator performing the pumpout, volume of pumpout, recommendations of repairs to the grease interceptor, and location of the facility where the hauler is planning to dispose of the waste. All records are to be maintained at the user’s location for a period of three (3) years and shall be subject to review by the Village without prior notification.

Should any user fail to properly clean and maintain a grease trap as required herein, the Village, at its option, may contract for appropriate cleaning and maintenance by a licensed contractor, the cost of which shall be collectable by the Village from the user at a charge of actual cost plus 100%.

§51.66 GROUNDWATER USE RESTRICTIONS. (Added per Ord. 2015-003 adopted Sept. 14, 2015) The following are groundwater use restrictions in certain Restricted Zones.

(1) Purpose

The purpose of this Ordinance is to protect and promote the public health, safety and welfare by regulating the extraction and use of groundwater in areas of the Village with known, or having the potential of having been contaminated by, releases as per Parts 201 and 213 of Public
Act. 451 of 1994, being the Natural Resources and Environmental Protection Act of 1994, as amended.

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

a. “Abandoned well” shall have the meaning provided in Part 127 of Act 368 of the Public Acts of 1978, as amended, and the administrative rules enacted pursuant to that Act.
b. “Village” shall mean the Village of Kalkaska
c. “Health Department” shall mean any entity or agency having jurisdiction from time to time in and to the Restricted Zone.
d. “Restricted Zone” means an area or areas described within section 3 of this Ordinance for which prohibition of wells and the use of groundwater applies and includes parcels of land that are legally described in this Ordinance, and as amended from time to time as provided in this Ordinance. The Restricted Zone is that area within the Village with contaminated groundwater or the threat of contaminated groundwater, due to releases as per Part 201 or 213 of Public Act 451 of 1994, as amended being the Natural Resources and Environmental Protection Act of 1994. Exhibit A contains a figure and Exhibit B contains a property list of properties in the Restricted Zone.
e. “Well” shall mean any opening in the surface of the earth for the purpose of removing fresh water in any quantity and for any purpose through non-mechanical or mechanical means.
f. “Contaminated Groundwater” shall mean groundwater in which there is present concentrations of materials that exceed residential drinking water criteria established by the MDEQ in operational memoranda or rules promulgated pursuant to Part 201 or Part 213 Leaning Underground Storage Tanks Act (MCL 324.21301a et seq.), of Natural Resources and Environmental Protection Act of 1994 PA451, as amended, MCL 324.101 et seq.
g. “Influential Well” shall be defined as well outside the Restricted Zone that impacts the contaminated groundwater plume by drawing contaminated water into the well or by changing the direction of groundwater flow.
h. “MDEQ” shall refer to the Michigan Department of Environmental Quality, or its successor.

(3) Restricted Zone
The following described area in the Village shall be Restricted Zones under this Article. They may be referred to by references to the name provided in the caption preceding its description. Additional Restricted Zones, along with a map illustrating the Restricted Zone, may be added by amending the Ordinance in accordance with Section 4 and all other applicable laws and code provisions. A map of each restricted zone is provided in Exhibit A- Restricted Zone Map
RZ1 Walnut and North Cedar Restricted Zone. The Walnut and North Cedar Restricted Zone consists of approximately 29 acres generally described as follows: Properties on the east and west sides of US 131/M-66/ North Cedar, south of the US 131 & M-72 intersection. In addition to all of Block 1 and 4 and portions of Blocks 5, 6, 3 and 2 of Sweets Addition to the Village of Kalkaska, Section 17, Township 27 North and Range 7 West, South of M-72 and west of US 131.

(4) Amendments; Repeal.

The MDEQ, an Applicant, an Owner, an entity involved in performing remedial actions in order to seek approval of a No Further Action Report under Section 20114d of Part 201 or in performing corrective actions in order to seek approval of a Closure Report under Section 21312a of Part 213 or other interested party may request in writing to add parcels to or delete parcels from a Restricted Zone or to establish an additional Restricted Zone of any proposed change hereunder, including the reasons supporting such request. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the Village Council.

(5) Private Water Wells Prohibited

Except as provided in subsection 6 and 7 no person, firm, corporation, association or other entity shall install, construct, develop, expand, modify, use or maintain a water well as defined above within the Restricted Zone for any purpose whatsoever.

(6) Wells Affecting Contaminated Groundwater

No well may be used or installed at any place in the Village if the use of the well will have an effect of causing the vertical or horizontal migration of contaminated groundwater or a contaminated groundwater plume to previously impacted groundwater, or adversely impact any groundwater treatment system. Wells approved by the Michigan Department of Environmental Quality (MDEQ) or United States Environmental Protection Agency (USEPA) for purposes related to groundwater monitoring or remediation are considered acceptable.

(7) Exceptions

A person may install or utilize, or allow, permit, or provide for the installation or utilization of, a well within the Restricted Zone if any of the following exceptions applies and the requirements of the exception are complied with.

(1) Groundwater Monitoring. A well may be used for groundwater monitoring and/or remediation as part of response activity approved by the MDEQ or USEPA.

(2) Construction Dewatering. A well may be used for construction dewatering, if the water generated by that activity is properly handled and disposed of in compliance with all applicable laws, regulations, permits and licensing requirements of any governmental entity or
agency of competent jurisdiction and approved by the Health Department (for wells regulated under Part 127) and the MDEQ. Any exacerbation of the contamination caused by the use of the well under this exception shall be the responsibility of the person operating the dewatering well.

(3) **Heat Pump Wells.** A well may be used for closed loop system heat pumps, if its development has been authorized explicitly and in writing by the Health Department and/or the MDEQ.

(8) **Existing Wells**

Within ninety (90) days of the effective date of an ordinance creating a Restricted Zone, all existing wells within the Restricted Zone shall either be abandoned and plugged in accordance with applicable Health Department and Michigan Department of Environmental Quality rules and regulations, or specifically permitted as an exception under Section 5 and approved in writing by the Health Department (construction of dewatering wells under Part 127 and heat pump wells), USEPA (monitoring wells installed under their authority), and/or MDEQ (any wells listed in Section 5). All non-conforming wells shall be plugged and abandoned in conformance with all applicable laws, rules, regulations, permit and license requirements, orders and directives of any governmental entity or agency of competent jurisdiction, or, in the absence of an applicable law, rule, regulation, requirement, order, directive, shall be abandoned and plugged in a manner consistent with, and equally as effective as, the protocol developed by the American Society of Testing and Materials, Standard # D5299-92.

(9) **Department of Environmental Quality Notification**

The Village shall give no less than thirty (30) days’ notice to the MDEQ before the effective date of any modification, amendment or repeal of the Ordinance. The MDEQ shall be notified if there is a lapse, revocation or modification of the restrictions or prohibitions applying to a specific affected parcel. Additionally, the MDEQ shall be notified when there is a failure of institutional controls intended to prevent unacceptable exposure.

(10) **Enforcement**

The Village Manager or other authorized Village representative may enter the lands upon which any well subject to this Ordinance is situated or proposed, for the purposes of inspecting those lands and well and for maintaining compliance with the provisions of this Ordinance.

A violation of this Ordinance or any of its provisions shall be deemed a municipal civil infraction, as defined by Section 113 or the Revised Judicature Act of 1961, being Act No. 236 of the Public Acts of 1961, as amended, and subject to all of the penalties and requirements provided by that Act. Any violation shall as well constitute a nuisance per se and the Village shall have all remedies available under law or equity for purposes of
obtaining the abatement of the violation and compelling immediate compliance with these provisions. In the even a civil action is commenced by the Village to enforce this Ordinance or any of its provisions, and a violation is found to exist, the violating party shall be liable to the Village’s actual costs and attorney’s fees incurred in bringing such proceeding.

(11) Repealer

All Village Ordinances or provisions that conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give full force and effect to this Ordinance.

(12) Severability

Should any term, phrase, clause, provisions, section, or sub-section of this Ordinance be declared by a court of competent jurisdiction to be null, void, or invalid, the balance of this Ordinance not be affected by that declaration, shall be deemed separate and distinct, and shall remain in full force and effect.

CROSS-CONNECTIONS

§ 51.70 INSPECTION.

(A) It is the duty of the Village of Kalkaska and/or Village Designated Agent 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 established by the Village of Kalkaska.

(B) A representative of the Village of Kalkaska and/or the Village’s Designated Agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village of Kalkaska 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 representative any pertinent information regarding the piping system or systems on such property. The refusal to provide such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection(s).

§ 51.71 DISCONTINUANCE OF WATER SERVICE.

The Village of Kalkaska is hereby authorized and directed to discontinue water service after reasonable notice to any property owner, lessee, or occupant wherein any cross connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored to service until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.
The potable water supply made available on the properties served by the public water system shall be protected from possible contamination as specified by this ordinance and by applicable state, county, and Village plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the public water supply system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

ADMINISTRATION AND ENFORCEMENT

§ 51.85 ACCESS TO PROPERTY.

(A) Inspection authority. The Department, through its authorized representatives, shall have free access at all reasonable hours to inspect any premises supplied with sewers or water service, and the fact that the owner or occupant of such premises accepts and uses sewers or water services supplied by the village shall constitute consent to the making of such inspection.

(B) Refusal to allow inspection. In case any authorized representative of the Department is refused admittance to any premises using village sewers or water service or in any way hindered in making any necessary inspection or examination, the water may be turned off from those premises, after giving 24 hours notice to the owner or occupant thereof.

('67 Code, § 6.36) Penalty, see § 51.99

§ 51.86 FISCAL YEAR.

The system shall be operated upon the basis of the village fiscal year.

('67 Code, § 6.49)

§ 51.97 UNAUTHORIZED USE OF VILLAGE WATER AND SEWER. (Added per Ordinance No. 2015-001 Adopted 06/08/15.)

No person shall tamper with Public Works property (such as Village water meters). A violation of this section is a municipal civil infraction. The sanctions for violations of this Ordinance shall be indicated in Section 10.99(A) of the Kalkaska Code. Section 10.99(A) refers to the fines set forth in Chapter 35.

§ 51.98 VIOLATIONS.

Whenever any provision of this chapter, or any rule or regulation adopted pursuant thereto, is violated, the Department may cause the water to be shut off from the building or place of such violation, after giving 24 hours notice to the owner or occupant thereof. The water is such premises shall be turned on again only upon reapplication for use of water to the Clerk and only after paying all damages and any other charges caused by failure to comply with the rules and regulations. Nothing in this section shall prohibit the Department from immediately shutting off water to a building or site if maintaining such water service poses a threat to health or property.

Any person, owner, lessee, or occupant found guilty of violating any of the provisions of this ordinance or any written order of the Village of Kalkaska in pursuance thereof, may be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction may be punished with a fine of up to $500.00 or imprisonment of up to ninety (90) days, or both such fine and imprisonment. A separate
offense may be deemed committed each day during or which a violation or noncompliance occurs or continues.

§ 51.99 PENALTY.
Any person, firm or corporation that violates any provision of this chapter is subject to penalties and/or fines as prescribed in Chapter 10, section 10.99 (B), misdemeanor. Penalties for violations of specific provisions of this chapter in no way substitute and/or eliminate action taken as listed in sections 51.27, 51.28, 51.29, 51.30 and 51.79.

The Village of Kalkaska may institute any action at law or equity to compel compliance with this ordinance. If such action is instituted the Village of Kalkaska shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys’ fees.
CHAPTER 52: TELECOMMUNICATION

Section

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§ 52.01 PURPOSE.

The purpose of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

§ 52.02 CONFLICT.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

§ 52.03 DEFINITIONS

The terms used in this ordinance shall have the following meanings:


Village Means the Village of Kalkaska.

Village Council means the Village Council of the Village of Kalkaska or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

Village Manager means the Village Manager or his or her designee.

Permit means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.
Telecommunication Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332 (d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179. MCL 484.2102. Telecommunications provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

(A.) A cable television operator that provides a telecommunications service.

(B.) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(C.) A person providing broadband internet transport access service.

§ 52.04 PERMIT REQUIRED.

(A) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(B) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village Manager, and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make an additional copy and distribute a copy to the Code Enforcement Officer. Applicants shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider’s existing and proposed facilities in accordance with Section 6(5) of the Act. 2

(C) Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(D) Application Fee. Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of $500.00.
(E) Additional Information. The Village Manager may request an applicant to submit such additional information, which the Village Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Manager. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(F) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

(G) Existing Providers. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the $500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

§ 52.05 ISSUANCE OF PERMIT.

(A) Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated to the Village Manager. Pursuant to Section 15(3) of the Act, the Village Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Manager shall notify MPSC when the Village Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village Manager shall not unreasonably deny an application for a permit.

(B) Form of Permit. If an application for permit is approved, the Village Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(C) Conditions. Pursuant to Section 15(4) of the Act, the Village Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider’s access and usage of the public right-of-way.

(D) Bond Requirement. Pursuant to Section 15(3) of the Act, and without limitation on subsection (C) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider’s access and use.
§ 52.06 CONSTRUCTION/ENGINEERING PERMIT.
A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit as required under chapter 152 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

§ 52.07 CONDUIT OR UTILITY POLES.
Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

§ 52.08 ROUTE MAPS.
Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper or electronic format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

§ 52.09 REPAIR OF DAMAGE.
Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

§ 52.10 ESTABLISHMENT AND PAYMENT OF FEE.
In addition to the non-refundable application fee to the Village set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Village’s public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

§ 52.11 MODIFICATION OF EXISTING FEE.
In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village’s policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.
§ 52.12 SAVINGS CLAUSE.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

§ 52.13 USE OF FUNDS.

Pursuant to Section 10(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.

§ 52.14 ANNUAL REPORT.

Pursuant to Section 10(5) of the Act, the Village Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

§ 52.15 CABLE TELEVISION OPERATORS.

Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

§ 52.16 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

§ 52.17 COMPLIANCE.

The Village hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

(A) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(C) of this ordinance;

(B) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the $500 application fee, in accordance with Section 4(g) of this ordinance;

(D) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5(a) of this ordinance;
§ 52.18 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the Village’s right to review and approve a telecommunication provider’s access to and ongoing use of a public right-of-way or limit the Village’s authority to ensure and protect the health, safety, and welfare of the public.

§ 52.19 SEVERABILITY.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjusted unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

§ 52.20 AUTHORIZED VILLAGE OFFICIALS.

The Village Manager or his or her designee is hereby designated as the authorized Village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this ordinance as provided by the Village Code.
§ 52.21 MUNICIPAL CIVIL INFRACTION.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to the penalty listed in the Village Code of Ordinances Book, Title I: General Provisions, Chapter 10, General Provisions, Section 10.99. (Ord. Passed 11-25-02)