

Chapter 42

UTILITIES*

Article I. In General

Secs. 42-1—42-30. Reserved.

Article II. Water System

Division 1. Title and Purpose

Sec. 42-31. Title.
Sec. 42-32. Purpose.
Secs. 42-33—42-35. Reserved.

Division 2. Generally

Sec. 42-36. Definitions.
Sec. 42-37. Authority.
Sec. 42-38. Enforcement.
Sec. 42-39. Violations.
Secs. 42-40—42-50. Reserved.

Division 3. Rules and Regulations

Sec. 42-51. Notification of public works department required.
Sec. 42-52. Permitted pipes; type.
Sec. 42-53. Depth of water line.
Sec. 42-54. Inspection of connections.
Sec. 42-55. Cross connections.
Sec. 42-56. Private wells and water supplies.
Secs. 42-57—42-60. Reserved.

Division 4. Fees

Sec. 42-61. Rates on west side of river.
Sec. 42-62. Rates on east side of river.
Sec. 42-63. All areas of system.
Secs. 42-64—42-70. Reserved.

Division 5. Revenues

Sec. 42-71. Water enterprise fund.
Sec. 42-72. Bank accounts.
Secs. 42-73—42-80. Reserved.

***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 10; heating and electrical devices, § 14-68; licenses, permits and miscellaneous business regulations, ch. 18; streets, sidewalks and other public places, ch. 30; subdivisions and other divisions of land, ch. 34; telecommunication towers, § 46-461 et seq.

ST. JOSEPH CHARTER TOWNSHIP CODE

Division 6. Water Conservation Ordinance

- Sec. 42-81. Name.
- Sec. 42-82. Purpose.
- Sec. 42-83. Definitions.
- Sec. 42-84. Sprinkling prohibited.
- Sec. 42-85. Days sprinkling permitted.
- Sec. 42-86. Penalties.
- Secs. 42-87—42-130. Reserved.

Article III. Sewer System

Division 1. Generally

- Sec. 42-131. Purpose of article.
- Sec. 42-132. Definitions.
- Sec. 42-133. Applicability of article.
- Sec. 42-134. Violations.
- Sec. 42-135. Use of public sewers required.
- Sec. 42-136. Installation and maintenance of service.
- Sec. 42-137. Private sewage disposal facilities.
- Sec. 42-138. Discharge regulations.
- Sec. 42-139. Damaging or tampering with property of collection facility.
- Sec. 42-140. Industrial waste rules and regulations.
- Secs. 42-141—42-160. Reserved.

Division 2. Administration and Enforcement

- Sec. 42-161. Operating year.
- Sec. 42-162. Right of entry of inspectors.
- Sec. 42-163. Disposition of revenue.
- Sec. 42-164. Bank accounts; investment of funds.
- Sec. 42-165. Discontinuation of service.
- Sec. 42-166. Mailing of bills and notices.
- Sec. 42-167. Interruption of service.
- Sec. 42-168. Inspections.
- Secs. 42-169—42-190. Reserved.

Division 3. Building Sewers and Connections

- Sec. 42-191. Separate building sewer required for each building.
- Sec. 42-192. Permits.
- Sec. 42-193. Contractor requirements.
- Sec. 42-194. Approval of plans.
- Sec. 42-195. Payment of costs of installation and connection.
- Sec. 42-196. Supervision of connection; standards for connection.
- Sec. 42-197. Unauthorized connections prohibited.
- Sec. 42-198. Standards for building sewer.
- Secs. 42-199—42-220. Reserved.

UTILITIES

Division 4. Fees and Charges

- Sec. 42-221. Generally.
- Sec. 42-222. Ready-to-serve charge for premises not connected to public water system.
- Sec. 42-223. Charge for premises connected to public water system.
- Sec. 42-224. Tap charge for premises in special assessment district.
- Sec. 42-225. Sewer lateral benefit fee.
- Sec. 42-226. Special disconnect and reconnect charge for property connected to new system.
- Sec. 42-227. Billing; late payment penalty.
- Sec. 42-228. Authority to establish special rates or additional charges.
- Sec. 42-229. Discontinuance of use of system; termination of charges.
- Sec. 42-230. Payment of bills.
- Sec. 42-231. Delinquency.
- Sec. 42-232. Collection of unpaid charges; enforcement of lien; authority to shut off service.

ARTICLE I. IN GENERAL

Secs. 42-1—42-30. Reserved.

ARTICLE II. WATER SYSTEM***DIVISION 1. TITLE AND PURPOSE****Sec. 42-31. Title.**

This article shall be known and cited as the Water Ordinance of St. Joseph Charter Township, Berrien County, Michigan.
(Ord. of 6-16-2003, § 1.01)

Sec. 42-32. Purpose.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of St. Joseph Charter Township, that those portions of the Berrien County Water Supply System No. 2 (St. Joseph and Lincoln Townships) lying within St. Joseph Charter Township be operated on a public utility rate basis in accordance with the laws of the State of Michigan.
(Ord. of 6-16-2003, § 1.02)

Secs. 42-33—42-35. Reserved.

DIVISION 2. GENERALLY**Sec. 42-36. Definitions.**

Whenever the words "the system" are referred to in this article, they shall be understood to mean those portions of the Berrien County Water Supply System No. 2 (St. Joseph and Lincoln Townships) lying within St. Joseph Charter Township, including all water lines, pumps, storage or treatment facilities, and all other facilities used or useful in the transmission and distribution of potable water, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.
(Ord. of 6-16-2003, § 2.01)

Cross reference—Definitions generally, § 1-2.

Sec. 42-37. Authority.

The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the township board, subject to the terms of the contract,

***Editor's note**—An ordinance adopted June 16, 2003, repealed article II and added a new article II to read as herein set out. Formerly, such article pertained to similar provisions and derived from Ord. No. 66.

dated February 16, 1970, between the Berrien County and the Townships of Lincoln and St. Joseph Charter, and subject also to the agreements between Lincoln and St. Joseph Charter Townships and the Lake Michigan Shoreline Water and Sewage Treatment Authority and the City of St. Joseph and St. Joseph Charter Township and the City of Benton Harbor. Said township board may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system and may make such rules, orders, and regulations as it deems advisable and necessary to assure the efficient management and operation of the system, and may delegate such powers to said authority or others as permitted by law.

(Ord. of 6-16-2003, § 6.01)

Sec. 42-38. Enforcement.

(a) The charges for services which are under the provisions of Michigan law made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the township official or officials in charge of the collection thereof shall certify annually, on November 1st of each year, to the tax-assessing officer of the township the facts of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien, thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Michigan law, no further service shall be rendered such premises until a cash deposit in an amount to be determined from time to time by the township board (not less than \$100.00 in areas east of the St. Joseph River or \$100.00 + Surcharge west of the St Joseph River) shall have been made as security for payment of such charges and service.

(b) In addition to the foregoing, the township shall have the right to shut off, or cause to be shut off, water service to any premises for which charges for such service are more than 30 days delinquent, and such service shall not be re-established until all delinquent charges and penalties are paid. Further, such charges and penalties may be recovered by the township by court action.

(Ord. of 6-16-2003, § 6.02)

Sec. 42-39. Violations.

Any person, firm, or corporation found violating any of the provisions of this article shall, upon conviction, be punished by a fine of not to exceed \$100.00 or by imprisonment not exceeding 90 days, or both, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this article may also be enforced by suit for injunction, damages, or other appropriate legal action.

(Ord. of 6-16-2003, § 6.03)

Secs. 42-40—42-50. Reserved.

DIVISION 3. RULES AND REGULATIONS

Sec. 42-51. Notification of public works department required.

Prior to any connection to the water system from any premises in St. Joseph Charter Township, any person, firm or corporation desiring to make such connection shall first notify the public works department of the township and after installation of a water line from the premises to the point of connection with the water system, the public works department of the township shall again be notified before any pipes or connections are buried or covered up and the same shall be inspected to determine if the same is installed so as to protect the system from any contamination and also to ascertain if the same is at a proper depth to insure the integrity of the line from freezing or bursting or possible contamination from any other cause, including the location of the same in proximity with any other possible contamination source. The same shall not be covered until specifically approved by the Public Works Department of St. Joseph Charter Township.

(Ord. of 6-16-2003, § 3.01)

Sec. 42-52. Permitted pipes; type.

All water service pipes must be either galvanized steel pipe or type K copper pipe only.

(Ord. of 6-16-2003, § 3.02)

Sec. 42-53. Depth of water line.

In all cases, the depth of the water line to the water tap-in installation shall be not less than 48 inches from the surface.

(Ord. of 6-16-2003, § 3.03)

Sec. 42-54. Inspection of connections.

In all cases where connections have been made without compliance, the public works department of the township may require the uncovering of the same for the purposes of inspection.

(Ord. of 6-16-2003, § 3.04)

Sec. 42-55. Cross connections.

(a) *Rules.* St. Joseph Charter Township hereby adopts by reference the Current Water Supply Cross Connection Rules promulgated by the Michigan Department of Public Health by R325.431 to R325.440 of the Michigan Administrative Code.

(b) *Inspection.* The Public Works Department of St. Joseph Charter Township shall inspect any property served by the public water supply for the purpose of locating cross-connections with the public water supply. The number of inspections and re-inspections shall not be less than the number determined by the Michigan Department of Public Health.

(c) *Termination of water service:* The Public Works Department of St. Joseph Charter Township is hereby authorized to discontinue water service to any property where there is a cross connection prohibited by this regulation and to take such other measures as shall be necessary to eliminate danger of contamination of the public water supply. Water service to such property shall not be restored until all cross connections have been eliminated.

(d) Any water outlet which may be used for domestic purposes and which is not supplied by the public water supply or a safe private well shall be labeled in a conspicuous manner as:

Water Unsafe For Drinking

(Ord. of 6-16-2003, § 3.05)

Sec. 42-56. Private wells and water supplies.

(a) Before construction of any well or any part of a water supply system not connected to the public water supply system, a permit from the Public Works Department of St. Joseph Charter Township and the Berrien County Health Department shall first be secured.

(b) All such private wells and/or water supply systems shall conform to and comply with all rules and regulations of the Township, Berrien County and the State of Michigan.
(Ord. of 6-16-2003, § 3.06)

Secs. 42-57—42-60. Reserved.

DIVISION 4. FEES*

Sec. 42-61. Rates on west side of river.

In areas of the system lying west of the St. Joseph River and billed by the City of St. Joseph, rates for water service shall be as established in the adjoining [applicable] fee schedule.

- (1) *Summer rates.* Special summer rates as determined by the St. Joseph City Commission annually or otherwise shall apply to St. Joseph Charter Township customers west of the river.
- (2) *Fire protection charge.* Each customer connected to the system shall pay a fire protection charge in an amount as established in the adjoining [applicable] fee schedule.
- (3) *Tap and meter charges.* Each applicant desiring to tap into the system shall apply to the City of St. Joseph and shall pay at the time of application for the tap, all tap-in or other connection charges then established. Such charges shall consist of the cost of the meter and connection as established in the adjoining [applicable] fee schedule.
4. *Billing.* Bills will be rendered quarterly, same grace, discount, and/or penalty provisions as are provided for water users within the City of St. Joseph.

***Editor's note**—The fee schedule is on file at the St. Joseph Charter Township Hall.

State law reference—Utility rates, MCL 141.121.

5. *[Special or additional rates].* The township retains the right to establish special or additional rates.
(Ord. of 6-16-2003, § 4.01)

Sec. 42-62. Rates on east side of river.

In areas of the system lying east of the St. Joseph River billed by the City of Benton Harbor, rates for water service shall be not less than the rates charged by the City of Benton Harbor to rural or out-of-city customers, as established in the adjoining [applicable] fee schedule.

1. *Summer rates.* The minimum bill for water used during the months of June, July, August and September or as otherwise determined each year by resolution of the Benton Harbor City Commission will allow 1,000 cu. ft. instead of 600 cu. ft. for classified customers per two months.
2. *Fire protection charge.* For the fire protection benefits of water service, the township will pay to the system from any fund legally available \$35.00 per year for each current hydrant and future hydrants installed in the township.
3. *Tap and meter charge.* Each applicant desiring to tap into the system shall apply to the township, and shall pay, in cash, at the time of application for the tap, all tap-in or other connection charges as established in the adjoining [applicable] fee schedule.
4. *Billing.* Bills shall be rendered in the same manner and with the same grace, discount, and/or penalty provisions as are provided for water users within the City of Benton Harbor.
5. *[Special or additional rates.]* The township retains the right to establish special or additional rates.
(Ord. of 6-16-2003, § 4.02)

Sec. 42-63. All areas of system.

In all areas of the system both east and west of the St. Joseph River the following shall apply:

- (1) Effective August 1, 2003, \$1,000.00 shall be paid to St. Joseph Charter Township for all "new" water taps less than two inches in diameter and \$2,500.00 shall be paid to St. Joseph Charter Township for all "new" water taps two inches or greater in diameter to establish a water replacement and improvement fund.
- (2) Water lateral benefit fee. There shall be paid on behalf of any premises making direct private connection to any public water line which has not been either privately constructed and paid for on behalf of said premises or publicly financed at least in part by means of special assessments levied against the property on which said premises is located or where any connection is made in excess of the one connection contemplated by the special benefit charge in said special assessment district, for the privilege of

making use of said public line as a water lateral, a lateral benefit charge which may be paid as a special assessment as established in the adjoining [applicable] fee schedule.

- a. The charges for properties west of the river shall apply to all those cases where a previous hookup has been made to the water system of the City of St. Joseph.
- (3) Meter regulations.
- a. Each single-family dwelling and each separate business establishment connected to the water system shall have a separate water meter. Multiple dwellings shall have as many separate meters as there are separate dwelling units.
 - b. All hookups made either to the Benton Harbor or St. Joseph systems, which hookups are made after March 16, 1970, shall be subject to said charges as established in the adjoining [applicable] fee schedule and subject to the provisions of section 42-63(1), unless they are made in districts where the parcel is already subject to special assessment.
- (4) The township board retains the right to establish additional charges.
- (5) No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

The rates hereby fixed in the adjoining [applicable] fee schedule are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to Berrien County pursuant to the aforesaid contract between said county and St. Joseph Charter Township as the same become due, and to provide for such other expenditures and funds for said system as this article may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Ord. of 6-16-2003, § 4.03)

Secs. 42-64—42-70. Reserved.

DIVISION 5. REVENUES

Sec. 42-71. Water enterprise fund.

The revenues of the system shall be collected and deposited in a water enterprise fund to be used for the following purposes:

- (1) Administration, operation, and inspection.
- (2) Any monies in the water enterprise fund not required for the above purpose may from time to time be transferred by the township board to the contract payment fund (water debt retirement fund) to be used solely for the payment of St. Joseph Charter Township's obligations.

(3) Any monies not required for the contract payment fund may from time to time be transferred by the township board to the water replacement and improvement fund to be used solely for major replacements, improvements or additions to the water system. (Ord. of 6-16-2003, § 5.01)

Sec. 42-72. Bank accounts.

(a) All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the township within this single bank account in the manner above set forth.

(b) Monies in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided by law. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made. (Ord. of 6-16-2003, § 5.02)

Secs. 42-73—42-80. Reserved.

DIVISION 6. WATER CONSERVATION ORDINANCE*

Sec. 42-81. Name.

This division shall be known and may be cited as the St Joseph Charter Township "Water Conservation Ordinance." (Ord. No. 65, § 1, 5-2-2005)

Sec. 42-82. Purpose.

The purpose of this division is to regulate lawn and garden sprinkling with water from the township's public water system to promote water conservation and ease demand on the public water system. (Ord. No. 65, § 1, 5-2-2005)

Sec. 42-83. Definitions.

The following words shall have the following meanings when used in this division:

Sprinkling shall include all forms of directing water from the township's public water supply system onto a lawn, yard, or garden, whether through an in-ground sprinkler system, through temporarily placed sprinklers, through a hose, or through any other system or

***Editor's note**—Ord. No. 65, § 1, May 2, 2005, set out provisions intended for use as part 146. For purposes of clarity, and at the editor's discretion, these provisions have been included as division 6, §§ 42-81—42-86.

mechanism, except that "sprinkling" shall not include drip irrigation systems, the use of a container such as a watering can or pitcher, or the use of a hose equipped with a spring loaded shutoff device that automatically stops the flow of water if the hose is left unattended

Street address or street addresses shall mean the numerical address or addresses assigned to a property by the U.S. Postal Service, or in the absence of same, that assigned to the property by the township assessor's office.

(Ord. No. 65, § 1, 5-2-2005)

Sec. 42-84. Sprinkling prohibited.

Except as provided herein, sprinkling is prohibited.

Sprinkling of newly planted grass, trees, or other plants is exempt from this division for the first 30 days following planting. Further, sprinkling of vegetable gardens is exempt from this section.

(Ord. No. 65, § 1, 5-2-2005)

Sec. 42-85. Days sprinkling permitted.

Properties with even numbered street addresses, in which the last whole integer of the street address is 0, 2, 4, 6, or 8, may use water from the public water system for the purpose of sprinkling only from midnight to midnight on even-numbered calendar days.

Properties with odd numbered street addresses, in which the last whole integer of the street address is 1, 3, 5, 7, or 9, may use water from the public water system for the purpose of sprinkling only from midnight to midnight on odd-numbered calendar days.

For the purposes of this division, properties that are without a street address or that include both even and odd street addresses, regardless of how many of each, shall be odd numbered street addresses.

(Ord. No. 65, § 1, 5-2-2005)

Sec. 42-86. Penalties.

In addition to any other remedy available to the township at law or in equity, violations of this ordinance shall be punishable by a civil infraction with fines of not less than \$100.00, nor more than \$500.00, plus costs and fees as may be assessed by the court.

(Ord. No. 65, § 1, 5-2-2005)

Secs. 42-87—42-130. Reserved.

ARTICLE III. SEWER SYSTEM**DIVISION 1. GENERALLY****Sec. 42-131. Purpose of article.**

(a) The township board, in the interest of the public health of the residents of the township, does hereby determine and find as follows:

- (1) The use of private septic tanks and sewage systems in the township has caused widespread contamination of sewers, drains and subsurface waters in the township.
- (2) Because of the concentration of population in the township and the existence of many shallow wells and soil conditions existing in the township, such use of private sewage systems and septic tanks constitutes a hazard to the health of all the residents in the township.
- (3) It is impracticable and in many cases impossible to ascertain definitely which particular private sewage system is in fact contaminating the surface waters and subsurface waters in the township.
- (4) The only feasible and practicable means of alleviating this health hazard to the residents of the township is the financing and construction of a sewage system for all residents of the township and the requiring of all residents to utilize the sewage collection system when the system becomes available as defined in this article.

(b) Therefore, the township board, in consideration of the findings as set forth in this section and in the interest of the public health of the residents of the township, does hereby adopt and ordain this article.

(Ord. No. 48, § 1.01)

Sec. 42-132. Definitions.

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

Building drain means that part of the lowest horizontal piping of a sanitary sewer system which receives the discharge from waste 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 means a pipe or conduit for carrying sewage beginning five feet outside the inner face of a building wall and connecting to the public sewer.

Extra strength for industry. Charges for extra strength industrial waste shall be as determined in section 204, section 205, and section 206 of the industrial waste sewer use ordinance which was adopted on February 11, 1954, and revised November 14, 1974, by the Joint Board of Commissioners of the Benton Harbor/St. Joseph Joint Sewage Disposal Plant.

Industrial means those industries which are identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1976, as amended and supplemented, under category Division D—Manufacturing, and which discharge industrial waste as defined in the revised rules and regulations relating to industrial waste sewer use adopted by the Commissioners of the Benton Harbor/St. Joseph Joint Sewage Disposal Plant on November 14, 1974.

Industrial wastes means the liquid wastes from industrial processes, as distinct from sanitary sewage.

Inspector means any person duly authorized by the board to inspect and approve the installation of building sewers and their connection to the public sewer system or the termination of such connection.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Public sewer means a sewer which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments and public buildings.

Sewage collection facility means all facilities used by the township, including interceptor mains, collection systems, and lift stations, to collect and transmit sewage to the central treatment facility.

Sewer means a pipe or conduit for carrying sewage.

Township means St. Joseph Charter Township or the township board or its authorized agent or representative.

(Ord. No. 48, § 2.01)

Cross reference—Definitions generally, § 1-2.

Sec. 42-133. Applicability of article.

The rules, regulations, charges and rates in this article shall apply to all properties located within the boundaries of the township, together with any extensions, enlargements or additions thereto.

(Ord. No. 48, § 1.02)

Sec. 42-134. Violations.

(a) Any person found to be violating any provision of this article, except section 42-139, shall be served by the township board with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor.

(c) Any person violating any of the provisions of this article shall become liable to the township for any expense, loss or damage occasioned to the township by reason of such violation.

(Ord. No. 48, § 8.05)

Sec. 42-135. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner upon public or private property within the township or the county, or in any area under the jurisdiction of the township, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet or drain within the township, or in any area under the jurisdiction of the township, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.

(c) Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

(d) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the township, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the township, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within one year after the occurrence of the last of the following events:

- (1) Availability of the public sanitary sewage collection facility;
- (2) Improvement of the property so as to contain a building from which sanitary sewage may emanate; provided that the public sewer tap or sewer, whichever is closest, is within 200 feet of the property line or 200 feet from the building in the case of a single-family residence.

(Ord. No. 48, § 3.01)

Sec. 42-136. Installation and maintenance of service.

The customer shall install at his expense that portion of the sewer service from the lot or easement line to his premises pursuant to the standards set forth in division 3 of this article. Maintenance of the building drain and building sewer shall be at the customer's expense.

(Ord. No. 48, § 7.01)

Sec. 42-137. Private sewage disposal facilities.

(a) Where a public sanitary sewer is not available under the provisions of section 42-135(d), the building sewer shall be connected to a private sewage disposal system complying with all requirements of the township and the county health department.

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

(c) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in section 42-135(d), a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, pumped out, and crushed and filled with sand.

(Ord. No. 48, § 3.02)

Sec. 42-138. Discharge regulations.

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

(b) *Harmful wastes.* No person shall discharge or cause to be discharged to the sewage collection facility 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 collection facility, or other interference with the proper operation of the central treatment facility.

(c) *Discharge of waste into manhole.* No person shall open any manhole and discharge, or cause to be discharged, any harmful waters or wastes, whether solid, liquid, or gas, or any other type of materials, both organic and inorganic, into the sewer system. The opening of any manhole, for any reason, by anyone other than authorized township personnel is prohibited.

(d) *Grease, oil and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the township, they are necessary for the proper handling of liquid wastes containing grease in an 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, on his property in continuously efficient operation at all times.

(e) *Preliminary treatment facilities.* The admission into the sewage collection facility of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the township, which may prescribe limits on the strength and character of these waters or wastes. Where necessary in the opinion of the township, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the sewage collection facility. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the township and of the state board of health, and no construction of such facilities

shall be commenced until such approval is obtained in writing. Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense, on his property.

(f) *Control manhole.* When required by the township, 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 analyses of the characteristics of waters and wastes shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, and shall be determined at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. All expenses incurred shall be paid by the property owner.

(Ord. No. 48, § 3.03)

Sec. 42-139. Damaging or tampering with property of collection facility.

No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage collection facility. Any person violating this section shall be guilty of a misdemeanor.

(Ord. No. 48, § 8.02)

State law reference—Tampering with utility property, MCL 750.160.

Sec. 42-140. Industrial waste rules and regulations.

(a) *Intent and adoption.* The township adopts, by reference, those certain industrial waste rules and regulations as were adopted by the joint board of commissioners of the Benton Harbor - St. Joseph Joint Wastewater Treatment Plant on November 9, 2000.

(b) *Purpose.* The purpose of adoption of such industrial waste rules and regulations is to remain current with state and/or federal law in regard to the permit process, treatment, distribution of costs, adoption of procedures and for use of the wastewater facilities, regulation of quantity and quality of wastewater discharge for treatment, and assurance of capacity rights, and to provide penalties for noncompliance with such rules and regulations.

(c) *Synopsis; summary.* The purpose of the industrial waste rules and regulations is to provide for the maximum possible beneficial public use of the Benton Harbor - St Joseph Joint Wastewater Treatment Plant facilities through the regulation of sewer use and wastewater discharges, to provide for the equitable distribution of the costs of the joint plant's wastewater treatment facilities, and to set forth procedures for complying with the requirements of the rules and regulations. The rules and regulations provide for the use of the joint plant's wastewater facilities, for the regulation of the quantity and quality of wastewater discharged for wastewater treatment, for the equitable distribution of costs, for the assurance that

existing customers' capacity will not be preempted, for the issuance of wastewater discharge permits, and for the penalties imposed and the procedures to be followed in case of violation of such rules and regulations.

(Ord. No. 74, §§ 101—103, 6-18-2001)

Secs. 42-141—42-160. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

Sec. 42-161. Operating year.

The sewer system shall be operated on the basis of an operating year as determined by the township.

(Ord. No. 48, § 8.01)

State law reference—Fixing of operating year, MCL 141.125.

Sec. 42-162. Right of entry of inspectors.

The utility inspector or other duly authorized employee of the township bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.

(Ord. No. 48, § 8.03)

Sec. 42-163. Disposition of revenue.

(a) *Sewer enterprise fund.* The revenues of the sewer system shall be collected and deposited in a sewer enterprise fund to be used for the purposes of administration, operation, maintenance and inspection.

(b) *Contract payment fund.* Any moneys in the sewer enterprise fund not required for the purposes specified in subsection (a) of this section may from time to time be transferred by the township board to the contract payment fund (sewer and/or interceptor debt retirement fund) to be used solely for the payment of the township's obligation to the county pursuant to the contract with the county dated March 20, 1972.

(c) *Replacement and improvement fund.* Any moneys not required for the contract payment fund may from time to time be transferred by the township board to the replacement and improvement fund to be used solely for major replacements, improvements or additions to the sewer system.

(Ord. No. 48, § 6.01)

***Cross reference**—Administration, ch. 2.

Sec. 42-164. Bank accounts; investment of funds.

(a) All moneys belonging to any of the funds or accounts mentioned in section 42-163 may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the township within this single bank account in the manner set forth in section 42-163.

(b) Moneys in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided by law. If such investments are made, the securities representing the investments shall be kept on deposit with the bank or trust company having on deposit the fund from which such purchase was made. Income received from such investments shall be credited to the fund from which the investments were made.

(Ord. No. 48, § 6.02)

State law reference—Bank accounts, MCL 141.124.

Sec. 42-165. Discontinuation of service.

Applications may be canceled and/or sewer service discontinued by the township for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

- (1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
- (2) Nonpayment of bills.
- (3) Improper or imperfect service pipes and fixtures or failure to keep service pipes and fixtures in a suitable state of repair.

(Ord. No. 48, § 7.02)

Sec. 42-166. Mailing of bills and notices.

Bills and notices relating to the conduct of the business of the sewage disposal system will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at the business office of the township, and the township shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from any nonpayment of a bill or from any performance required in such notice.

(Ord. No. 48, § 7.03)

Sec. 42-167. Interruption of service.

(a) The township shall make all reasonable efforts to eliminate interruption of sewer service, and when such interruption occurs will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

(b) The township shall in no event be held responsible for claims made against it for reason of the breaking of any mains or service pipes, or by reason of any other interruption of service caused by the breaking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages or have any portion of payment refunded for any interruption.
(Ord. No. 48, § 7.06)

Sec. 42-168. Inspections.

The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the township.
(Ord. No. 48, § 7.07)

Secs. 42-169—42-190. Reserved.

DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Sec. 42-191. Separate building sewer required for each building.

A separate and independent building sewer shall be provided for every building in the township. In cases of hardship, an exception may be allowed only by special permission after an inspection and determination by the building official and township engineer. A decision of the building official and township engineer may be appealed to the township board.
(Ord. No. 48, § 4.01)

Sec. 42-192. Permits.

(a) *Excavation permit.* Before a permit may be issued for excavating in any public street, alley or public right-of-way, a special permit is required from the township and the county road commission.

(b) *Tap-in permit.* Before construction is started on any sewer line, the owner shall apply to the township for a hookup permit. An inspection fee as determined by resolution of the township board from time to time will be charged for inspection and to process the application. The tap-in permit must be posted by the owner and be clearly visible from the road.
(Ord. No. 48, § 4.02)

Sec. 42-193. Contractor requirements.

If the sewer system is to be contracted, to comply with state law, it must be contracted only with a state-licensed plumber who is also a state-licensed residential builder or licensed residential maintenance and alteration contractor. He must also be bonded with the township in the amount of \$10,000.00, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the law, rules and regulations applicable thereto or any ordinances of the township pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the township 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 article. Such bond shall remain in force and must be executed for a period of two years, 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.

(Ord. No. 48, § 4.03)

Sec. 42-194. Approval of plans.

All sewer users, other than single-family users, shall submit proposed sewer plans for township approval before the start of construction.

(Ord. No. 48, § 4.04)

Sec. 42-195. Payment of costs of installation and connection.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The township will not be involved in the financial agreements between the owner and the contractor. The owner or the person installing the building sewer for the owner shall indemnify the township for any loss or damages that may directly or indirectly be occasioned by the installation.

(Ord. No. 48, § 4.05)

Sec. 42-196. Supervision of connection; standards for connection.

(a) The applicant for the building sewer shall notify the township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the township or its representative. All approved pipe used for construction shall be laid in such a manner that identification symbols shall be clearly visible from the top of the trench.

(b) The connection of the building sewer into the public sewer shall be made at the wye branch in the main sewer and shall be made only as directed by the township or its designated agent.

(c) A checkvalve shall be required at every connection of a building sewer to the public sewer system.

(Ord. No. 48, § 4.06)

Sec. 42-197. Unauthorized connections prohibited.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the township.

(Ord. No. 48, § 4.07)

State law reference—Tampering with utility property, MCL 750.160.

Sec. 42-198. Standards for building sewer.

(a) *Infiltration rate.* The infiltration rate of the building drain and building sewer shall not exceed eight gallons per day per 100 feet.

(b) *Materials.* The building sewer shall be constructed of vitrified clay and fittings meeting the current ASTM specifications for standard or extra strength clay sewer pipe or extra heavy cast iron pipe and fittings, cast iron or ductile iron with rubber type gaskets, PVC plastic schedule 40 or better (refer to ASTM D-3034). Mortar joints will not be permitted and only an approved hook-up adapter to the system can be used. Unstable soil conditions will be modified for a suitable bed or cradle for the pipe. For the main sanitary sewer and six-inch laterals from the main line to the property line, SDR 35 or better is acceptable.

(c) *Joints and connections.* All joints and connections shall be made gastight and watertight. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties (designation C425). The joints and connections shall conform to the ASTM D3212 requirements for elastomeric gasket joints. Solvent welded joints shall conform to ASTM D3034 requirements.

(d) *Size and slope; cleanouts.* The size and slope of the building sewers shall be subject to the approval of the township or its designated agent, but in no event shall the diameter be less than four inches for single-family residences or less than six inches for all other connections. The slope of such six-inch pipe shall not be less than one-eighth inch per foot. Cleanouts shall be spaced every 50 feet starting from the connection at the property line and shall be placed at all bends and elbows.

(e) *Elevation, depth and location; trench work.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer or drain shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The sanitary building sewer shall be no closer than five feet horizontal to a water service line or property line and five feet horizontal minimum distance to the property line. The depth shall be sufficient to afford protection from frost, but in no case less than 48 inches measured from the surface of the ground to the top of the pipe. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the township or its designated agent. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that all trenches shall remain open with all pipe exposed until approved by the township representative. If the trench is closed prior to inspection by the township, then the trench will be reopened by the township at the expense of the owner.

(f) *Drainage systems below sewer level.* All building drains which cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and properly vented sump, so located as to receive the sewage by gravity flow, from which sump the liquid shall be lifted and discharged into the sanitary sewer system by automatic pumps or ejectors, at the expense of the owner. The capacity of the sump shall be equal to the capacity of the pump. The pump

shall be so designed and equipped that the entire contents thereof will be discharged during the emptying operation. Minimum sump sizes shall be established by the administrative authority for any particular installation. In every case, an approved checkvalve shall be placed in the discharge line from the sump to the sewer system, and the connection from the discharge line to the sewer system shall be by means of a wye, with the wye branch on top. All soil or waste pipes leading to a sump shall be vented the same as though direct connection with the sewer had been established. All building sumps shall have gastight metal covers, except that float controls or switch rods shall operate without binding. Such covers shall be designed and constructed with sufficient strength to bear normal traffic and use without hazard or damage.

(g) *Excavations.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(Ord. No. 48, § 4.08)

Secs. 42-199—42-220. Reserved.

DIVISION 4. FEES AND CHARGES*

Sec. 42-221. Generally.

(a) *Free service.* No free service shall be furnished by the sewer system to any person, public or private, or to any public agency or instrumentality.

(b) *Establishment of rates.* Rates charged for users of the system shall be determined by resolution of the township board from time to time, and shall at all times be sufficient, when added to other moneys legally available for such purpose, to meet all costs of the system, including the contractual obligation of the township to the county for interest and principal on bonds issued by the county for the construction of the system.

(Ord. No. 48, § 5.01)

Sec. 42-222. Ready-to-serve charge for premises not connected to public water system.

(a) A ready-to-serve charge is hereby established for each single-family residential premises served by the sewer system where such premises are not connected to the public water system, in a flat amount as stated in the applicable fee schedule. Each premises other than a single-family residence shall pay a monthly ready-to-serve charge as stated in the applicable fee schedule, multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family sewage use.

*State law reference—Utility rates, MCL 141.121.

(b) The township board shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios.

(Ord. No. 48, § 5.02)

Sec. 42-223. Charge for premises connected to public water system.

The sewer service charge for single-family residences connected to the water system will be based on the metered water readings, and the charges based on such reading will be as established in the applicable fee schedule. If two or more lots, parcels or real estate, residences, dwelling units, or buildings discharge sanitary sewage, water, or other liquids into the sanitary sewage system of the township either directly or indirectly, and are users of water, and the quantity of water is measured by a single water meter, the meter reading will be divided by the number of units being served and the rates as established in the fee schedule applied, and this shall then be multiplied by the number of units being served.

(Ord. No. 48, § 5.03)

Sec. 42-224. Tap charge for premises in special assessment district.

Each premises tapping into the sewer system and securing therefrom sewer service shall pay in cash, at the time of application for the tap, a charge for the privilege of using the facilities and receiving the service of the system and for inspection of the tap as provided in the applicable fee schedule for a four-inch house connection. The tap charge for other than four-inch residential connections will be determined by the township board based on the equivalent pipe size as a factor of the tap charge.

(Ord. No. 48, § 5.04)

Sec. 42-225. Sewer lateral benefit fee.

(a) There shall be paid on behalf of any premises making direct private connection to any public sewer line which has not been either privately constructed and paid for on behalf of the premises or publicly financed at least in part by means of special assessments levied against the property on which the premises are located, or where any connection is made in excess of the one connection contemplated by the special benefit charge in the special assessment district, for the privilege of making use of the public line as a sewer lateral, a lateral benefit charge which may be paid as a special assessment as established in the applicable fee schedule.

(b) In cases where no stub is available and a new stub must be installed in order to furnish service, the township will provide a payment for the stub installation for that portion of the actual cost of installing service from the public sewer to the lot or easement line in an amount not to exceed \$450.00. The payment will be raised to a maximum of \$900.00 in the event of extensive boring or jacking under a road.

(c) The established fees for properties shall apply to all those cases where a previous hookup has been made to a public sewage system, except where a front footage charge was made in conjunction with the previous hookup or easements were granted in exchange for contractual hookup rights prior to 1965.

(Ord. No. 48, § 5.05)

Sec. 42-226. Special disconnect and reconnect charge for property connected to new system.

Where properties in the township have been previously connected to a public sewage system and after construction of the sewer system these parcels are required to disconnect and reconnect to the new sewer system, a charge shall be made, which charge may be paid as a special assessment as established in the applicable fee schedule.

(Ord. No. 48, § 5.06)

Sec. 42-227. Billing; late payment penalty.

Sewer use bills shall be rendered as determined by the township, and shall be payable without penalty within 15 days after the date thereon. Payments received after such period shall bear a penalty of ten percent of the amount of the bill.

(Ord. No. 48, § 5.07)

Sec. 42-228. Authority to establish special rates or additional charges.

The township retains the right to establish additional charges or special rates for sewer service where unusual circumstances warrant such charges or rates.

(Ord. No. 48, § 5.08)

Sec. 42-229. Discontinuance of use of system; termination of charges.

The charges established for sewer service in the fee schedule will continue until such time as the owner or agent shall notify the township that the use of the sewer is terminated for the premises and the service line to the premises has been plugged in conformance with requirements of the inspector and the inspector has issued a certificate that such work has been done. No service line to any premises shall be plugged except in conformance with such requirements after first notifying the township and paying an inspection fee as stated in the fee schedule.

(Ord. No. 48, § 5.09)

Sec. 42-230. Payment of bills.

(a) Bills for sewer service are due and payable at the business office of the clerk or to any designated agent on their date of issue. The past due date shall be on the 15th day after the billing for service. Bills will be dated and mailed each quarter or as determined by the township.

(b) All bills not paid on or before the past due date shall be termed delinquent, and the township shall have the right to shut off and discontinue sewer service to any premises for the nonpayment of the rates established in the fee schedule when due.

(Ord. No. 48, § 7.04)

Sec. 42-231. Delinquency.

The charges for services furnished by the sewer system are hereby constituted to be a lien, and whenever any such charge against any such property shall be delinquent for six months, the township board shall certify annually on February 15 of each year to the tax-assessing officer of the township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as the general township taxes against such premises are collected, and the lien thereof enforced. Where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered such premises until a cash deposit in the amount determined by resolution of the township board from time to time shall have been made as security for the payment of such charges and services.

(Ord. No. 48, § 7.05)

Sec. 42-232. Collection of unpaid charges; enforcement of lien; authority to shut off service.

(a) The charges for sewer services which are under the provisions of section 21 of Public Act No. 94 of 1933 (MCL 141.121) made a lien on all premises served thereby are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the township official in charge of the collection thereof shall certify annually, on September 15 of each year, to the tax assessing officer of the township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced.

(b) In addition, the township shall have the right to terminate sewer service to any premises for which charges for sewer service are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties, together with termination and reestablishment charges specified by the township board, have been paid. Further, all such charges and penalties may be recovered by the township by court action.

(Ord. No. 48, § 8.04)