

CODIFIED ORDINANCES OF SHELBY

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas.

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TITLE FOUR - Utilities

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CODIFIED ORDINANCES OF SHELBY

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas.

Chap. 1020. Sidewalks and Curbs.

Chap. 1022. Trees and Shrubs.

CHAPTER 1020
Sidewalks and Curbs

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| 1020.01 | Reserved. | 1020.03 | Duty to keep sidewalks clear of obstructions, snow, ice and nuisances. |
| 1020.02 | Notice to build or rebuild; condemnation. | 1020.04 | Injuring sidewalks. |
| | | 1020.99 | Penalty. |

CROSS REFERENCES

Sidewalks generally - see CHTR. Ch. VII, §§7 et seq.

Bicycles, skateboards and rollerblades on sidewalks - see TRAF. 440.01

Parking on sidewalks - see TRAF. 450.03

Spitting on sidewalks - see GEN. OFF. 670.09

1020.01 RESERVED.

(EDITOR'S NOTE: This section was repealed by Ord. passed September 28, 2014.)

1020.02 NOTICE TO BUILD OR REBUILD; CONDEMNATION.

(a) Whenever Council shall, by resolution, determine upon the building or rebuilding of any sidewalk or curb in the Village, it shall be the duty of the Street Administrator to notify the owner or person in charge of the premises, if known, in front of which the sidewalk or curb is to be built or rebuilt, within one week after said resolution shall be passed, by delivering to such owner or person in charge of the premises a written notice, if he or she can be found. If such person cannot be found, the Street Administrator shall post such notice in three public places in the Village. One of such notices shall be posted upon the premises in front of which the sidewalk or curb is to be built or rebuilt. Such notice shall contain the time when such sidewalk shall be built or rebuilt, the material to be used and the thickness thereof.

(b) Council may condemn any sidewalk or curb if the expense of rebuilding the same to restore it to an acceptable condition, in the judgment of Council, would be equal to the expense of building a new sidewalk or curb. In such a case, Council may require that a new sidewalk or curb be built according to the provisions of this chapter.

1020.03 DUTY TO KEEP SIDEWALKS CLEAR OF OBSTRUCTIONS, SNOW, ICE AND NUISANCES.

The owner of any lot adjacent to and abutting on any sidewalk in the Village shall keep the same free from any obstruction, snow, ice or nuisance. In case of refusal to clean the sidewalk as herein required after one day's notice has been given by the Street Administrator, in writing, the Street Administrator shall proceed to clear the same, and any expense incurred thereby shall be levied and collected as a special assessment upon the lot or premises adjacent to and abutting upon said sidewalk.

(Ord. 16. Passed 7-11-1892.)

1020.04 INJURING SIDEWALKS.

No person shall maliciously break down, injure or tear up any sidewalk or crosswalk in the Village. (Ord. 16. Passed 7-11-1892.)

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

CHAPTER 1022
Trees and Shrubs

- 1022.01 Planting of trees.
- 1022.02 Injuring trees and shrubs.

1022.99 Penalty.

CROSS REFERENCES

Trees in highways - see CHTR. Ch. VII, §21

Box elder trees, female, as nuisance - see M.C.L.A. §124.151

Cutting or destroying trees - see M.C.L.A. §§247.235, 247.241,
752.701 et seq.

Malicious destruction of trees - see M.C.L.A. §§750.382 et seq.

Grass, weeds and trees - see GEN. OFF. 670.05

1022.01 PLANTING OF TREES.

Any person owning or occupying lots adjoining any highway in the Village may set out shade or ornamental trees on the side of the highway, contiguous to his or her land, which trees shall be set in regular rows and shall be seven feet from the margin of the highway.

(Ord. 11. Passed 7-11-1892.)

1022.02 INJURING TREES AND SHRUBS.

No person shall willfully injure, deface, tear or destroy any tree or shrub planted or set along the margin of any highway in the Village, or purposely left there for shade or ornament, or destroy any tree or shrub not his or her own, standing for use or ornament in any highway, public park, lane or alley, in the Village, so long as said trees or shrubs are alive. No person shall cut down, mutilate or destroy the protection placed around any such tree or shrub.

(Ord. 11. Passed 7-11-1892.)

1022.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

TITLE FOUR - Utilities

- Chap. 1040. Water Generally.
 Chap. 1041. Groundwater.
 Chap. 1042. Water Supply Cross-Connections.
 Chap. 1044. Water Supply and Sewage Disposal System.
 Chap. 1046. Sewers Generally.
 Chap. 1048. Gas.
 Chap. 1050. Electricity.

CHAPTER 1040
 Water Generally

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| <p>1040.01 Water roll; collection of charges; penalty and shut-off for delinquent payments.</p> <p>1040.02 Water meters required.</p> <p>1040.03 Contamination or pollution of Village water supply system.</p> | <p>1040.04 Fluoridation of water supply.</p> <p>1040.05 Private water wells within the Village prohibited.</p> <p>1040.99 Penalty.</p> |
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CROSS REFERENCES

- Water supply generally - see Mich. Const., Art. 7, § 24; M.C.L.A. §§ 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.
 Preservation of water purity; use of navigable waters - see CHTR. Ch. VII, § 38
 Water works - see CHTR. Ch. XI
 Groundwater - see S.U. & P.S. Ch. 1041
 Protection of potable water - see S.U. & P.S. 1042.05
 Connection of trailer coaches to water supply - see B. & H. 1440.07

1040.01 WATER ROLL; COLLECTION OF CHARGES; PENALTY AND SHUT-OFF FOR DELINQUENT PAYMENTS.

(a) The Department of Public Works shall have its written report of all water used for the preceding quarter according to meter readings, and of all water to be used during the ensuing quarter on flat rates, together with the names of the respective owners of the premises supplied and a description of the premises, in the hands of the Village Clerk not later than the twenty-fifth day of the month preceding the quarters beginning April 1, July 1, October 1 and January 1, in each year. The Village Clerk shall have the water roll showing the charges against the property owners, with descriptions of the respective properties, for water furnished and to be furnished, during such quarters respectively, in the hands of the Village Treasurer, promptly at the beginning of each of said quarters.

(b) The Village Treasurer shall, during the first month of each of said quarters, collect from the property owners for water used and to be used by them or their tenants, during said quarters respectively, the amounts charged according to said water roll, without extra charge.

(c) The Village Treasurer shall, during the second month of each of said quarters, collect from the property owners for water used and to be used by them or their tenants, during said quarters, the amounts charged according to said water roll, together with the penalty of ten percent in addition thereto, which additional percent shall belong to the Village of Shelby, and shall be accounted for by the Village Treasurer, the same as any other Village funds. The Village Treasurer shall, at the end of the first month in each quarter, return to the Village Clerk the portions of such water roll upon which the property owners have not paid, for the addition of the charge of said penalty of ten percent. The Village Clerk shall, within twenty-four hours thereafter, place against the respective delinquent property owners and property, the additional charge of ten percent, and return the same to the Village Treasurer for collection during the second month of each quarter.

(d) The Village Treasurer shall, at the beginning of the third month of each quarter, turn over to the Department of Public Works a full and complete list of each property owner, with a description of the property, who is on that date delinquent in the payment of said water charges, with instructions to turn off the water at the tap supplying said property.

(Ord. 48. Passed 7-1-18.)

(e) The Department of Public Works shall, on receipt of said list of delinquents, at once turn off the water of said tap, and the water must not thereafter be turned on at such tap until the Department is furnished with a certificate, signed by the Village Treasurer and endorsed by the Village Clerk, showing payment to the Village Treasurer of all amounts for which such property owner has become in arrears, together with said penalty of ten percent, and together with a fee of thirty dollars (\$30.00) for turning on the water at such tap, which amount shall also be the property of the Village.
(Adopting Ordinance)

(f) If the Village Treasurer shall fail to perform any of the duties enjoined upon him or her by the terms of this section at the times and in the manner herein provided for, he or she shall be deemed to be incompetent to properly execute the duties of his or her office and to be guilty of willful neglect of duty, and shall be subject to removal from office in accordance with State law. Further, the Village Treasurer shall be chargeable on his or her bond for all delinquent water charges, including said penalty which he or she has failed to turn over to the Department of Public Works for shutting off as hereinbefore provided, and the Village must set off the amounts thereof against any sum or sums which would otherwise be due to such Treasurer on final settlement or at any other time.

(g) The Village Treasurer may recover the amounts so due from delinquent property owners, together with such penalty, in an action of assumpsit to be brought in the name of the Village of Shelby, in any court of competent jurisdiction, if the Village Attorney advises such action, and the production of the water roll, showing the charges against the delinquent property owner, shall be conclusive evidence of the right of the Village to recover, in the absence of fraud or mistake.

(h) This section shall take effect August 1, 1918.

(i) The provisions of this section shall be deemed to be cumulative, and shall not impair the full force and effect of any ordinance whereby other remedies are provided for the collection of water charges. (Ord. 48. Passed 7-1-18.)

1040.02 WATER METERS REQUIRED.

(a) It shall be the duty of every user of Shelby Village water who is now, or before October 1, 1928, may be, charged a flat rate, to purchase a water meter of suitable size and capacity, to meet the approval of the Council, and to install the same as an integral part of the water system on his or her premises, so that such water meter will correctly record the amount of water used by him or her, such purchase and installation to be completed before October 1, 1928.

(b) No user of Village water shall at any time hereafter use the Village water for sprinkling, without first having purchased and installed such an approved water meter.

(c) No user of Shelby Village water, from and after October 1, 1928, shall have upon his or her premises, or under his or her control, any hydrant, faucet, sill-cock or other opening in his or her water system, through which water may be drawn without being metered as provided in subsection (a) hereof.

(d) The Department of Public Works shall discontinue the water service to any and all users of Village water who have not purchased and installed approved water meters before October 1, 1928, and also to any and all users thereof for sprinkling purposes at any time, who have not purchased and installed approved water meters, and shall refuse such service until such purchase and installation have been completed and the fee paid for turning the water on.

(Ord. 66. Passed 11-14-27.)

1040.03 CONTAMINATION OR POLLUTION OF VILLAGE WATER SUPPLY SYSTEM.

(a) No person shall construct or maintain, cause to be construed or maintained, or permit to be construed or maintained, within a radius of 200 feet from any Municipal water wells within the Village of Shelby, from which said Village draws its water supplies, any source of possible contamination or pollution to any of said wells, unless allowed or approved by the Department of Health of the State of Michigan.

(b) No person shall do any act, cause to be done any act, or permit to be done any act, that contaminates or pollutes, or may contaminate or pollute, or contribute to the contamination or pollution of, the water supply wells or water system of the Village of Shelby.

(Ord. 98. Passed 6-11-51.)

1040.04 FLUORIDATION OF WATER SUPPLY.

The Village of Shelby hereby elects, under the provisions of Act 346 of the Public Acts of 1968, as amended, not to add fluoride to the public water supply of the Village of Shelby, and said Village hereby rejects the provisions of said Act.

(Ord. 137. Passed 3-26-73.)

1040.05 PRIVATE WATER WELLS WITHIN THE VILLAGE PROHIBITED.

(a) To protect the Village's potable water supply from contamination or pollution through either cross connections with a private water system or through penetration and/or contamination of the aquifers that supply water to the Village Water System, it shall be unlawful for anyone to drill a water well, whether for irrigation or potable water, within the boundaries of the Village when a village water line is located within 1,000 feet of the property line of the property to be served by said well unless approved by the Village Council.

(b) If a private water well exists on a property within the Village prior to the enactment of this section and its amendments thereof, said private well shall be registered with the Village Clerk and the property owner shall provide documentation to the Village Clerk as to the wells location, depth, capacity, or any other information deemed necessary by the Water Utility Superintendent.

(c) Repair of pump motor and/or well point and screen of said private well shall be allowed. Modifications, other than the aforementioned work to any existing well is prohibited and said private well shall be properly abandoned, at the owners expense, by a licensed well driller. Prior to or upon completion of the aforementioned abandonment of said private well, an approved connection to the Village Water Distribution System shall be completed at the owners expense.

(d) In any particular case where the property owner can show by reason of exceptional topography or other physical conditions that the literal compliance with the aforementioned requirements would cause practical difficulty or undue hardship, the Village Council may modify such requirements to the extent deemed just and proper so as to relieve such difficulty or hardship, provided that said relief may be granted without detriment to the public interest and without impairing the intent and purpose of this section. Any such relief thus granted shall be spread upon the minutes of the Village setting fourth the reasons that, in the opinion of the Council, said relief was just and proper.

(Res. 6. Passed 4-24-06.)

1040.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

CHAPTER 1041
Groundwater

1041.01 Purpose.	1041.06 Determination of applicability.
1041.02 Definitions.	1041.07 Conditions for approval or denial.
1041.03 Scope.	1041.08 Exemptions and waivers.
1041.04 General provisions.	1041.09 Appeals.
1041.05 Review requirements.	1041.99 Penalty.

CROSS REFERENCES

Water supply generally - see Mich. Const., Art. 7, § 24; M.C.L.A. §§ 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.
 Preservation of water purity; use of navigable waters - see CHTR. Ch. VII, § 38
 Water works - see CHTR. Ch. XI
 Water generally - see S.U. & P.S. Ch. 1040
 Protection of potable water - see S.U. & P.S. 1042.05
 Connection of trailer coaches to water supply - see B. & H. 1440.07

1041.01 PURPOSE.

- (a) The Village of Shelby has determined that:
- (1) The groundwater underlying the Village is sole source of the Village's drinking water.
 - (2) Groundwater aquifers are integrally connected with, and flow into, the surface water, lakes, and streams which constitute significant public health, recreational and economic resources of the Village.
 - (3) Spills and discharge of petroleum products, sewage and other hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.
- (b) Therefore, the Village of Shelby has enacted this chapter to:
- (1) Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Village, and protect them from adverse development or land use practices.
 - (2) Preserve and protect present and potential sources of the drinking water supply for public health and safety.

- (3) Conserve the natural resources of the Village.
- (4) Protect the financial investment of the Village in its drinking water supply and to meet State requirements for wellhead protection.
- (5) Assure that State regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.
(Ord. 02-2015. Passed 10-12-15.)

1041.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

- (a) "Aquifer." A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.
- (b) "Best management practices." Measures, either managerial or structural to prevent or reduce pollution inputs to soil, surface water or groundwater.
- (c) "Development." The carrying out of any construction, reconstruction, alteration of surface of structure or change of land use or intensity of use.
- (d) "Environmental contamination." The release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity, which is or may become injurious to the environment, or the public health, safety, or welfare.
- (e) "Facility." Any building, structure, or installation from which there may be a discharge of pollutants.
- (f) "Hazardous substance." A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767; "hazardous waste" as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of 1979, being §§ 299.501 to 199.551 of the Michigan Compiled Laws; "petroleum" as defined in the Leaking Underground Storage Tank Act, Act No. 478 of Public Acts of 1988, being §§ 299.831 to 299.850 of the Michigan Compiled Laws.
- (g) "Primary containment facility." A tank, pit, container, pipe, or vessel of first containment of hazardous substance.
- (h) "Secondary containment facility." A second tank, catchment pit, pipe or vessel that contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, ground waters, or surface waters, of any pollutant which may emanate from said storage container or containers.
- (i) "Underground storage tank system." A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in

Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

- (j) “Used oil.” Any oil which had been:
 - (1) Refined from crude oil,
 - (2) Used, and
 - (3) As a result of such used contaminated by physical or chemical impurities.
- (k) “Well.” A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules.
- (l) “Wellhead protection area (WHPA).” The area around and up gradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.
(Ord. 02-2015. Passed 10-12-15.)

1041.03 SCOPE.

These provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), and which require site plan review under the provisions of this chapter.

(Ord. 02-2015. Passed 10-12-15.)

1041.04 GENERAL PROVISIONS.

- (a) Groundwater Protection Standards.
 - (1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
 - (2) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by an third party.
 - (3) Industrial facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable State and Federal regulations.
 - (4) General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with the Village’s Industrial Pretreatment Ordinance.

- (5) Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
- (6) State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.
- (7) In determining conformance with the standards of this ordinance, the Village shall take into consideration all publications of the River Raisin Watershed Council, and other applicable references.
- (8) Bulk storage of pesticides shall be in accordance with Regulation No. 640, Commercial Pesticide Bulk Storage, of Act 171 of the Public Acts of 1976, as amended, being M.C.L.A. § 286.569.

(b) Aboveground Storage and Use Areas for Hazardous Substances and Polluting Material.

- (1) Primary containment of hazardous substances shall be product tight.
- (2) Secondary containment shall be sufficient to store the substance for maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of ten gallons or less packaged for retail use shall be exempt from this item.
- (3) Outdoor storage of hazardous substances shall be prohibited except in product tight containers which are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.
- (4) Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable requirements of Act 245.
- (5) Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetland, groundwater or soils.
- (6) The location of the aboveground storage of hazardous substances and methods of primary and secondary containment shall be clearly illustrated on the site plan.

(c) Underground Storage Tanks.

- (1) Existing or new underground storage tanks shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.

- (2) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by Village Officials for five years.
- (3) All underground storage tanks which have been out of service for 12 months shall be removed from this site.

(d) Well Abandonment. Out of service wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Environmental Quality, Water Bureau, Drinking Water and Environmental Health, Well Construction Unit.

(e) Sites with Contaminated Soils and/or Groundwater.

- (1) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
- (2) Development shall not be allowed on contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available indicating that cleanup will proceed in a timely fashion.
- (3) Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
- (4) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(f) Construction Standards.

- (1) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.
- (2) Hazardous substances stored on the construction sited during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. Any storage container of over 25 gallons or 220 pounds containing hazardous substances shall have secondary containment.

- (3) If the contractor will be storing or handling hazardous substances that require a manufacturer's material safety data sheet, the contractor shall familiarize himself or herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
- (4) Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable State and Federal regulations.
- (5) Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

(g) Maintenance. In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and ground water. Cracks and holes in floors, foundations and walls must be repaired in areas where chemicals are handled or stored.

(Ord. 02-2015. Passed 10-12-15.)

1041.05 REVIEW REQUIREMENTS.

(a) Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous materials.

(b) Specify location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous materials storage, collection of contaminated storm water or wash water, and all similar uses.

(c) Specify location of existing and proposed wells.

(d) Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

(e) Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.

(f) Submit "Hazardous Materials Report in Form for Site Plan Review."

(g) Submit "Village of Shelby Environmental Permits Checklist."
(Ord. 02-2015. Passed 10-12-15.)

1041.06 DETERMINATION OF APPLICABILITY.

It shall be the responsibility of any person owning real property and/or owning and operating a business within the Village corporate limits to make a determination of the applicability of this chapter as it pertains to the property and/or business under his or her ownership or operation and his or her failure to do so shall not excuse any violations of this chapter.

(Ord. 02-2015. Passed 10-12-15.)

1041.07 CONDITIONS FOR APPROVAL OR DENIAL.

The Planning Commission, upon reviewing a site plan, shall take one of the following actions:

- (a) Approval. If the site plan meets all the Zoning Ordinance and related development requirements and standards, the Planning Commission shall record such approval and Chairman shall sign three copies of the site plan filing one in the official site plan, forwarding one to the Building Inspector, and returning one to the applicant.
- (b) Disapproval. If the site plan does not meet Zoning Ordinance and related development requirements and standards, the Planning Commission shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.
- (c) Conditional Approval. Conditions on approval of the site plan may be imposed meeting the requirements specified in the Village Zoning Enabling Act. Conditions must be:
 - (1) Designed to protect natural resources, and the health, safety and welfare and the social and economic well-being of residents, neighbors, and the community as a whole;
 - (2) Related to the valid exercise of the police power;
 - (3) Necessary to meet the purposes of the Zoning Ordinance and related to the standards established in the Zoning Ordinance and related to the standards established in the Zoning Ordinance for the land use or activity under consideration.
- (d) Table. If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the Planning Commission may table the site plan until a public hearing can be scheduled to determine specific improvement requirements the Planning Commission feels are necessary but the applicant is not in agreement with.

(Ord. 02-2015. Passed 10-12-15.)

1041.07 EXEMPTIONS AND WAIVERS.

The transportation of any hazardous substances shall be exempt from the provisions of this chapter provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a State licensed hazardous waste treatment, storage, or disposal facility.

(Ord. 02-2015. Passed 10-12-15.)

1041.08 APPEALS.

The Village Council may grant a special permit if it finds by written decision that the proposed use:

- (a) Meets the intent of this section as well as its specific criteria;
- (b) Will not, during construction or thereafter, have an adverse impact on any aquifer or recharge area in the district;
- (c) Will not adversely affect an existing or potential domestic or municipal water supply; and is consistent with existing and probably future development of surrounding areas.

(Ord. 02-2015. Passed 10-12-15.)

1041.99 PENALTY.

(a) Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any method required under this chapter, shall be fined upon conviction not more than five hundred (\$500.00) dollars.

(b) Violations.

- (1) Any person or persons who is found to have violated an order of the Village or who willfully or negligently fails to comply with any provisions of this chapter and the orders, rules and regulations and permits issued thereunder, shall be fined upon conviction not more than five hundred (\$500.00) dollars.
- (2) Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct offense. In addition to the penalties provide herein, the Village may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigations by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued thereunder.
- (3) Any person or persons violating any of the provisions of this chapter shall be liable to the Village for any expense, loss, or damage caused by such violation. The Village shall bill the person or persons for the costs incurred by the Village (caused by the violation).

(Ord. 02-2015. Passed 10-12-15.)

CHAPTER 1042
Water Supply Cross-Connections

1042.01	Adoption of State rules by reference.	1042.04	Discontinuance of service for violation of chapter.
1042.02	Inspections.	1042.05	Protection of potable water.
1042.03	Right of entry.	1042.99	Penalty.

CROSS REFERENCES

Water supply generally - see Mich. Const., Art. 7, § 24; M.C.L.A. §§ 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.
 Preservation of water purity; use of navigable waters - see CHTR. Ch. VII, § 38
 Water works - see CHTR. Ch. XI
 Groundwater - see S.U. & P.S. Ch. 1041
 Connection of trailer coaches to water supply - see B. & H. 1440.07

1042.01 ADOPTION OF STATE RULES BY REFERENCE.

The Village of Shelby hereby adopts by reference the water supply cross-connection rules of the Michigan Department of Public Health, being Rules 325.431 to 325.440 of the Michigan Administrative Code.

(Ord. 138. Passed 5-29-73.)

1042.02 INSPECTIONS.

It shall be the duty of the Department of Public Works to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Village Council and as approved by the Michigan Department of Public Health.

(Ord. 138. Passed 5-29-73.)

1042.03 RIGHT OF ENTRY.

Department of Public Works personnel 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 for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessee or occupant of any property so served shall furnish to the Department of Public Works any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

(Ord. 138. Passed 5-29-73.)

1042.04 DISCONTINUANCE OF SERVICE FOR VIOLATION OF CHAPTER.

The Department of Public Works is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter 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 until the cross-connection or connections have been eliminated in compliance with the provisions of this chapter.

(Ord. 138. Passed 5-29-73.)

1042.05 PROTECTION OF POTABLE WATER.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this chapter and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by a potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

(Ord. 138. Passed 5-29-73.)

1042.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

CHAPTER 1044
Water Supply and Sewage Disposal System

1044.01	Combined system.	1044.10	Accounts.
1044.02	Declaration of necessity.	1044.11	Transfer of funds.
1044.03	Cost; useful life; financing.	1044.12	Investments.
1044.04	Definitions.	1044.13	Applicable law.
1044.05	Management of system.	1044.14	Bond proceeds.
1044.06	Rates; billing; enforcement.	1044.15	Covenants.
1044.07	No free service.	1044.16	Additional bonds.
1044.08	Sufficiency of rates; revision; covenant to maintain.	1044.17	Bond form.
1044.09	Fiscal year.	1044.18	Municipal Finance Commission approval.

CROSS REFERENCES

Water supply generally - see Mich. Const., Art. 7, § 24; M.C.L.A.
 §§ 46.171 et seq., 123.111 et seq., 486.51 et seq., 486.101 et seq.
 Sewers generally - see CHTR. Ch. VII, §§ 7 et seq.; Ch. 1046
 Preservation of water purity; use of navigable waters - see CHTR.
 Ch. VII, § 38
 Water works - see CHTR. Ch. XI
 Septic tanks and liquid wastes - see GEN. OFF. 670.04, 1046.03,
 1440.06
 Groundwater - see S.U. & P.S. Ch. 1041
 Protection of potable water - see S.U. & P.S. 1042.05
 Connection of trailer coaches to water supply - see B. & H. 1440.07

1044.01 COMBINED SYSTEM.

The existing water supply system of the Village and the sanitary sewage collection and disposal facilities authorized for the Village hereunder shall be consolidated and shall be operated as a single combined Water Supply and Sewage Disposal System under the provisions of Act 94 of the Public Acts of 1933, as amended.
 (Ord. 125. Passed 11-11-68.)

1044.02 DECLARATION OF NECESSITY.

It is hereby determined to be necessary, for the public health, safety and welfare of the Village of Shelby, to acquire and construct, in accordance with detailed maps, plans and specifications therefor prepared by George E. Snyder Associates, Inc., Consulting Engineers, of Jackson, Michigan, sanitary sewage collection and disposal facilities for the Village, consisting of a sewage treatment facility, sewer interceptors and laterals, and such pumping stations, rights in land and other appurtenances and attachments as might be necessary in connection therewith. (Ord. 125. Passed 11-11-68.)

1044.03 COST; USEFUL LIFE; FINANCING.

The cost of the improvement provided for in Section 1044.02 has been estimated by the engineers to be one million, three hundred ten thousand dollars (\$1,310,000), including the payment of incidental expenses, which estimate of cost is hereby approved and confirmed, and the period of usefulness of said public improvement is estimated to be not less than forty years. The said public improvement will be financed in part by the revenue bonds issued pursuant to this chapter, and the balance of the cost will be provided from the proceeds of a grant from the Economic Development Administration of the Federal Government.

(Ord. 125. Passed 11-11-68.)

1044.04 DEFINITIONS.

(a) Whenever the words “the System” are used in this chapter, they shall be understood to mean the complete Water Supply and Sewage Disposal System of the Village of Shelby, including all wells, pumps, pump houses, water mains, storage facilities, treatment facilities, water intakes, sewers, lift stations and all other facilities used or useful for the supply and distribution of water for domestic, commercial, industrial, institutional or fire protection purposes and for the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

(b) Whenever the words “public improvement” are used in this chapter, they shall be understood to mean the improvement authorized to be acquired and constructed under the provisions of this chapter.

(c) Whenever the words “revenues” and “net revenues” are used in this chapter, they shall be understood to have the meanings as defined in Section 3 of Act 94 of the Public Acts of 1933, as amended. (Ord. 125. Passed 11-11-68.)

1044.05 MANAGEMENT OF SYSTEM.

The construction, alteration, repair and management of the System shall be under the supervision and control of the Village Council, which 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 make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. (Ord. 125. Passed 11-11-68.)

1044.06 RATES; BILLING; ENFORCEMENT.

(a) Metered Rates. The System shall be fully metered, and there shall be no more than one user served through each meter. The rates to be charged for service furnished by the System shall be as provided from time to time by Council.

(b) Environmental Compliance Cost Index. In addition to the rates provided for in this section, each user unit (as defined herein) will pay an environmental compliance cost index (ECCI). The ECCI will be billed with each bill and it will be computed as determined herein.

For each fiscal year of the Village, the Village will compute the expenses paid by the utilities which are related to complying with the requirements of the National Drinking Water Act, the National Primary and Secondary Drinking Water Regulations, the National Clean Water Act, the Water Pollution Prevention and Control Act, and any related laws and/or regulations designed to keep the groundwater and the public drinking water and the environment safe. Examples of these expenses are sample procurement, sample transportation, laboratory testing fees, laboratory analysis reports, operating, maintenance, labor, training, and certification expenses required to comply with the Acts and regulations described above, technical and professional services, financial services, legal services, and related capital costs, including expenses for monitoring, refinement of existing treatment, purchase of additional equipment, construction of additional treatment facilities, and debt service. This list is intended to be exemplary and not exhaustive.

Having determined the expenses for a given fiscal year, these expenses will be paid pro rata by each user unit spread over the bills paid to each user unit for the next fiscal year.

For example, if the total cost of compliance in fiscal year one were six thousand, five hundred dollars (\$6,500) with 400 user units being billed in quarterly billing, the quarterly ECCI billed would be six thousand, five hundred dollars (\$6,500) divided by 400 divided by four equals four dollars and six cents (\$4.06) per quarter billed to each user unit in fiscal year two. If part of the items going into the ECCI are paid for by issuing bonds, the ECCI will reflect only the difference between sums expended on the project less revenues raised from bonding for that fiscal year. The payments made on the bond will be reflected in the ECCI for the life of the bond.

(c) Monthly Sewerage Service Rate for Residential and Commercial Users. The monthly sewerage service rate for residential and commercial users shall be fifty percent of the water bill.

(d) Connection Fees After Service Has Become Available. All applications for sewer or water service after such service is available shall be accompanied by a connection fee of one hundred dollars (\$100.00) for each service. Applications for either or both services made prior to the availability of such service shall be accompanied by an agreement to take such service applied for when available and a connection fee of fifty dollars (\$50.00) for water service and twenty-five dollars (\$25.00) for sewer service.

(e) Water Service Charge. A charge of ten dollars (\$10.00) shall be made for reestablishing a discontinued service.

(f) Billing. Water and sewerage service shall be billed quarterly. All accounts shall be paid in full within twenty days after the mailing date of the bills. If the account is not paid in full within the prescribed time, water service shall be discontinued immediately and shall not be restored until said account is paid in full, plus a ten dollar (\$10.00) service charge for restoring service.

(g) Special Rates. For miscellaneous services for which a special rate shall be established, such rates shall be fixed by the Village Council.

(h) Enforcement. The charges for water and sewer services which are, under the provisions of Section 21 of Act 94 of the Public Acts of 1993, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien. Whenever any charge against any piece of property shall be delinquent for six months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1 of each year, to the tax-assessing officer of the Village, the fact of such delinquency. Thereupon, such charge shall be entered by such officer 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 Village taxes against such premises are collected and the lien thereof enforced. However, where notice is given that a tenant is responsible for such charges and service, no further service shall be rendered to such premises until a cash deposit equal to not less than six months of charges shall have been made as security for payment of such charges and service.

(Ord. 125. Passed 11-11-68; Ord. 125A. Passed 8-14-72; Ord. 168. Passed 9-24-90.)

1044.07 NO FREE SERVICE.

No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality.
(Ord. 125. Passed 11-11-68.)

1044.08 SUFFICIENCY OF RATES; REVISION; COVENANT TO MAINTAIN.

The rates fixed and to be fixed as provided in this chapter shall be estimated to be sufficient to provide for the payment of the expenses of administration and operation and 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 interest upon and the principal of all the bonds as and when the same become due and payable, and the creation of the reserve therefor required by this chapter, and to provide for such other expenditures and funds for said System as this chapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed at all times to fix and maintain such rates for services furnished by the System as shall be sufficient to provide for the foregoing. (Ord. 125. Passed 11-11-68.)

1044.09 FISCAL YEAR.

The System shall be operated on the basis of an operating year commencing on March 1 and ending on the last day of February next following.
(Ord. 125. Passed 11-11-68.)

1044.10 ACCOUNTS.

From and after August 1, 1969, all revenues of the System and all cash then on hand and not otherwise earmarked for specific use shall be set aside, as collected, and deposited in a separate depository account in the Shelby State Bank, a bank located in Shelby, Michigan, and duly qualified to do business in Michigan and insured with the Federal Deposit Insurance Corporation, in an account to be designated Water Supply and Sewage Disposal System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited are pledged for the purpose of the following funds and shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

(a) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside into a separate depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's expenses of administration and operation of the System and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order, as well as any sums necessary to pay current bills.

The Village Council, prior to the commencement of each operating year, shall adopt a budget covering the foregoing expenses for each year, and such total expenses shall not exceed the total amount specified in said budget, except by a vote of two-thirds of the members of the Village Council.

(b) Bond and Interest Redemption Fund. There shall next be established and maintained a separate depository account, designated as the Bond and Interest Redemption Fund, the moneys on deposit therein from time to time to be used solely for the purpose of paying the principal of and interest upon the bonds hereby authorized. The moneys in the Bond and Interest Redemption Fund (including the Bond Reserve Account hereinafter established) shall be kept on deposit with the bank or trust company where the principal and interest on the bonds herein authorized are currently payable.

Out of the revenues remaining in the Receiving Fund, after provision has been made for expenses of operation and maintenance of the System, there shall next be set aside monthly in the Bond and Interest Redemption Fund an amount equal to not less than one-sixth of the total amount of interest which is not capitalized maturing on the next succeeding interest payment date and not less than one-twelfth of the amount of principal maturing on the next succeeding February 1. If there shall be any deficiency in the amount previously required to be set aside, then the amount of such deficiency shall be added to the current requirements.

There is hereby established in the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account, into which account there shall be set aside quarterly, after provision has been made for the Operation and Maintenance Fund and current requirements of the Bond and Interest Redemption Fund, three-quarters of all sums remaining in the Receiving Fund, until said Bond Reserve Account shall total eighty-two thousand dollars (\$82,000). The moneys in said Bond Reserve Account shall be used solely for the payment of the principal and interest on said bonds as to which there would otherwise be default. If at any time it shall be necessary to use moneys in the Bond Reserve Account for such payment, then the moneys so used shall be replaced from the net revenues first received thereafter which are not required by this chapter to be used for operation and maintenance or for current principal and interest requirements, provided, however, that such Bond Reserve Account shall not be regarded as moneys otherwise appropriated or pledged for the purpose of determining the sufficiency of funds available for redemption of callable bonds.

No further payments need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in said Fund (including the Bond Reserve Account) is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the bonds then remaining outstanding.

(c) Replacement Fund. There shall next be established and maintained a separate depository account, designated the Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System if needed or for the purpose of making improvements, extensions and enlargements to the System. There shall be set aside into said Fund quarterly, after provision has been made for the Operation and Maintenance Fund and the Bond and Interest Redemption Fund (including the Bond Reserve Account), all sums remaining in the Receiving Fund until said Replacement Fund shall total sixty-five thousand five hundred dollars (\$65,500). If at any time it shall be necessary to use moneys in said Fund for such purpose, the moneys so used shall be replaced from the net revenues in the Receiving Fund which are not required by this chapter to be used for the Operation and Maintenance Fund or the Bond and Interest Redemption Fund (including the Bond Reserve Account).

(d) Surplus Moneys. Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, shall be transferred to the Bond and Interest Redemption Fund and used for the purpose of calling bonds for redemption, in the manner herein specified, or transferred to the Replacement Fund at the option of the Village Council, provided, however, that if there should be any deficit in the Operation and Maintenance Fund, the Bond and Interest Redemption Fund (including the Bond Reserve Account), or the Replacement Fund, on account of default in setting aside therein the amounts hereinbefore required, then transfers shall be made from the moneys remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits.

(Ord. 125. Passed 11-11-68.)

1044.11 TRANSFER OF FUNDS.

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Bond and Interest Redemption Fund, any moneys and/or securities in other funds of the System shall be transferred, first to the Operation and Maintenance Fund, and second to the Bond and Interest Redemption Fund, to the extent of any deficit therein.

(Ord. 125. Passed 11-11-68.)

1044.12 INVESTMENTS.

Moneys in any fund or account established by this chapter, including moneys derived from the proceeds of sale of the bonds, may be invested in obligations of the United States of America in the manner and subject to the provisions of any agreement between the Village and the original purchaser of the bonds and to the limitations provided in Act 94 of the Public Acts of 1933, as amended. 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. 125. Passed 11-11-68.)

1044.13 APPLICABLE LAW.

Said bonds shall be sold and the proceeds applied in accordance with Act 94 of the Public Acts of 1933, as amended.

(Ord. 125. Passed 11-11-68.)

1044.14 BOND PROCEEDS.

The proceeds of the sale of the bonds herein authorized to be issued shall be deposited in the Shelby State Bank, a bank located in Shelby, Michigan, and insured by the Federal Deposit Insurance Corporation. From the proceeds of sale of the bonds there shall be immediately transferred to the Bond and Interest Redemption Fund the accrued interest and premium, if any, received on sale and delivery of the bonds, as well as twenty-one thousand, seven hundred dollars (\$21,700) representing capitalized interest. The balance of such proceeds, together with the grant funds from the Economic Development Administration, shall be deposited into a separate account with the said Bank, to be designated "Construction Account," and applied solely in payment of the construction costs of the public improvement, as hereinbefore described, and any engineering, legal and other expenses incident thereto and to the financing thereof, and in accordance with any agreement with the original purchaser of the bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the Village Council a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor, that it was done pursuant to and in accordance with the contract therefor, and that such work is entirely satisfactory.

Any unexpended balance of the proceeds of sale remaining after completion of the public improvement herein authorized shall be paid into the Bond and Interest Redemption Fund and shall be used for the redemption of callable bonds, or, prior to the first call date only, purchasing bonds on the open market at not more than the fair market value thereof and at a price in any event not exceeding the first call price.

(Ord. 125. Passed 11-11-68.)

1044.15 COVENANTS.

The Village of Shelby covenants and agrees with the successive holders of the bonds and coupons that so long as any of the bonds remain outstanding and unpaid as to either principal or

interest, the following shall apply:

(a) The Village of Shelby will maintain the System in good repair and working order, will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan, including the making and collecting of sufficient rates for services rendered by the System and the segregation and application of the revenues of the System, in the manner provided in this chapter.

(b) The Village Council will cause to be maintained and kept proper books of record and account separate from all other records and accounts of the Village, in which shall be made full and correct entries of all transactions relating to the System. Not later than sixty days after the close of each operating year the Village Council will cause to be prepared, on forms furnished by the Municipal Finance Commission, if such forms are available, a statement, in reasonable detail, sworn to by its Chief Accounting Officer, showing the cash income and disbursements of the System during each operating year, the assets and liabilities of the System at the beginning and close of the fiscal year, and such other information as is necessary to enable any taxpayer of the Village, any user of the service furnished, or any holder or owner of the bonds or anyone acting in his or her interest, to be fully informed as to all matters pertaining to the financial operation of the System during each year. A certified copy of such statement shall be filed within seventy-five days after the close of each operating year with the Municipal Finance Commission and a copy shall be sent to the manager of the account purchasing the bonds, and to the Economic Development Administration if any of the bonds are purchased by the United States of America. Such statement and books of record and account shall at all reasonable times be open to inspection by any taxpayer of the Village, user of the service, or holder of any bonds or anyone acting in his or her behalf. The Village Council will also cause an annual audit of such books of record and account for the preceding operating year to be made each year by a recognized independent certified public accountant, and will mail a copy of such audit to the manager of the syndicate or account purchasing the bonds and to any bondholder who shall request the same in writing. Such audit shall be completed and made available not later than three months after the close of each operating year, and said audit may, at the option of the Village Council, be used in lieu of the statement on forms prepared by the Municipal Finance Commission for all purposes for which said forms are required to be used by this chapter.

(c) The Village will maintain and carry insurance as follows:

(1) Fire and extended coverage. Upon acceptance of the public improvement from the contractor, the Village shall, if such insurance is not already in force, procure fire and extended coverage insurance on the insurable portions of the System. The foregoing fire and extended coverage insurance shall be maintained so long as any of the bonds are outstanding and shall be in amounts sufficient to provide for not less than full recovery whenever a loss from perils insured against does not exceed eighty percent of the full insurable value of the damaged facility.

In the event of any damage to or destruction of any of said facility or facilities, the Village shall promptly arrange for the application of the insurance proceeds for the repair or reconstruction of the damaged or destroyed portion thereof.

(2) Liability insurance on facilities. Upon receipt of any funds acquired pursuant to the loan agreement entered into between the Village and the Economic Development Administration, the Village shall, if such insurance is not already in force, procure and maintain, so long as any of the bonds are outstanding, public liability insurance relating to the operation of the System, with limits of not less than one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,00) for more than one person involved in one accident, to protect the Village from claims for bodily injury and/or death, and not less than ten thousand dollars (\$10,000) for claims of damage to property of others, which may arise from the Village's operation of the System.

(3) Vehicle liability insurance. If the Village owns or operates a vehicle in the operation of the System, including any non-owned vehicles operated for the benefit of the Village, upon receipt of any funds acquired pursuant to the aforesaid loan agreement, the Village shall, if such insurance is not already in force, procure and maintain, so long as any of the bonds are outstanding, vehicular public liability insurance, with limits of not less than one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) for more than one person involved in one accident, to protect the Village from claims for bodily injury and/or death, and not less than ten thousand dollars (\$10,000) for claims of damage to property of others, which may arise from the Village's operation of vehicles.

(d) The Village will not sell, lease or dispose of the System, or any substantial part thereof, until all of the bonds have been paid in full, both as to principal and interest. The Village will cause the operation of the System to be carried on as economically as possible, will cause to be made to the System all repairs and replacements necessary to keep the same in good repair and working order, and will not do or suffer to be done any act which would affect the System in such a way as to impair or affect unfavorably the security on the bonds. The Village will not grant any franchise that will result in the operation of a competing system.

(e) The Village shall require that all of its officers or employees handling any revenues of the System shall, before receiving any revenues of the System, furnish a surety bond with a surety company authorized to do business in the State of Michigan, as surety on said bonds, and payable to the Village; such bond to be in the principal amount of all of the funds of the Village possible to be in the custody of such an officer or employee at any one time, but not to exceed fifty thousand dollars (\$50,000) or such greater amount as may be required by law. Such bond shall be conditioned upon the further discharge of such officer's or employee's duties, shall be acceptable to and approved by the Village Council, and shall be filed in the office of the Village Clerk. (Ord. 125. Passed 11-11-68.)

1044.16 ADDITIONAL BONDS.

The right is hereby reserved, in accordance with the provisions of Act 94 of the Public Acts of 1933, as amended, to issue additional bonds payable from the revenues of the System, which shall be of equal standing with the bonds herein authorized, but only for the following purposes:

(a) To complete the public improvement in accordance with the plans and specifications therefor. Such bonds shall not be authorized unless the consulting engineers, or the successor engineers in charge of construction, shall execute a certificate evidencing the fact that additional funds are needed to complete the public improvements in accordance with the plans and specifications therefor, and unless further, the United States of America, Economic Development Administration, if it then be the holder of any of the bonds herein authorized, shall give its consent to the issuance of additional bonds for said purpose. If such certificate shall be so executed and filed with the Village Clerk, and such consent, if applicable, shall have been obtained, it shall be the duty of the Village Council to provide for and issue additional revenue bonds in the amount stated in said certificate to be necessary to complete the public improvements in accordance with the plans and specifications.

(b) For subsequent extensions and improvements to the System, provided that no such additional bonds shall be issued unless the average annual net revenues for the last two preceding completed operating years of the System, or the net revenues for the last completed operating year, whichever is lower, when supplemented by the net revenues estimated to accrue from an increase in rates imposed at or prior to the time of authorization of the additional bonds and/or when supplemented by the net revenues estimated to accrue from the said extensions and improvements to be paid for in whole or in part from the proceeds of sale of said additional bonds, shall be equal to at least one and one-half times the largest annual principal and interest requirements thereafter maturing on the bonds herein authorized, on any then previously issued bonds of equal standing with the bonds herein authorized, and on such additional bonds then being issued. For the purpose of determining net revenues under the above requirements, if the Village shall raise the rates at or prior to the time of authorizing such additional bonds, then the net revenues of the System for each of the last two preceding operating years, or the net revenues of the last preceding operating year, as the case may be, shall be augmented to an amount reflecting the effect of such increase had the Village's water and sewer billings during such years been at the increased rates. In addition, the said net revenues for each of the last two preceding operating years shall be increased by an amount to reflect the increase in net revenues estimated to accrue from the said extensions and improvements. Prior to the issuance of any additional bonds pursuant to this paragraph, there shall be filed with the Village Clerk a statement showing the net revenues for each of the two preceding completed operating years, the net additional or augmented revenues reflecting the application of the increased rates and from the additions and extensions to be acquired and constructed, if any, and the annual principal and interest requirements on all outstanding bonds payable from revenues of the System and the bonds proposed to be issued. Said statement shall be executed by a registered engineer appointed by the Village. Permission of the Municipal Finance Commission (or such other State body having jurisdiction over the issuance of municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of conditions permitting the issuance thereof.

Except as herein authorized, no additional bonds having equal standing with the bonds of this issue shall be authorized or issued.

(Ord. 125. Passed 11-11-68.)

1044.17 BOND FORM.

Said bonds and coupons shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF OCEANA

VILLAGE OF SHELBY

WATER AND SEWER SYSTEM IMPROVEMENT REVENUE BOND
SERIES OF 1969

No. _____ \$1,000.00

KNOW ALL MEN BY THESE PRESENTS that the VILLAGE OF SHELBY, County of Oceana, State of Michigan, for value received, hereby promises to pay to the bearer or, if registered, to the registered holder hereof, but only out of the net revenues of the Water Supply and Sewage Disposal System of the Village of Shelby, including all appurtenances, extensions and improvements thereto, the sum of

ONE THOUSAND DOLLARS

on the first day of February, A.D., 19____, with interest thereon from the date hereof until paid at the rate of _____ per cent (%) per annum, payable on August 1, 1969, and semi-annually thereafter on the first day of February and August of each year, upon presentation and surrender of the proper interest coupons hereto attached as they severally become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at THE SHELBY STATE BANK, Shelby, Michigan, or, at the option of the holder, at BANKERS TRUST COMPANY, New York, New York, and for the prompt payment thereof the gross revenues of the Water Supply and Sewage Disposal System of the Village of Shelby, including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance, are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of two hundred sixty-two (262) bonds of even date and like tenor, except as to rate of interest and date of maturity, aggregating the principal sum of \$262,000.00, numbered consecutively in direct order of maturity from 1 to 262, inclusive, issued pursuant to Ordinance No. _____ adopted by the Village Council on _____, 1968, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing sanitary sewage collection and disposal facilities for the Village.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described ordinance.

Bonds maturing in the years 1981 to 1999, both inclusive, will be subject to redemption prior to maturity, at the option of the Village, in inverse numerical order, on any interest payment date after February 1, 1980. Bonds called for redemption shall be redeemed at par and accrued interest to the date fixed for redemption, plus a premium for each bond so redeemed as follows:

3% of par value if redeemed prior to sixteen (16) years after the date thereof;
2-1/2% of par if redeemed during or after the sixteenth (16th) year after the date thereof, but prior to twenty-one (21) years after the date thereof;
2% par value if redeemed during or after the twenty-first (21st) year after the date thereof, but prior to twenty-six (26) years after the date thereof;
Without premium if redeemed during or after the twenty-sixth (26th) year from the date thereof.

Thirty (30) days notice of the call of any bonds for redemption shall be given by publication in a paper circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty (30) days notice shall be given by mail to the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

This bond is a self-liquidating bond and is not a general obligation of the Village of Shelby, and does not constitute an indebtedness of the Village of Shelby within any constitutional or statutory limitation, and is payable, both as to principal and interest, solely from the net revenues of said Water Supply and Sewage Disposal System of the Village. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Village of Shelby hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding such rates for service furnished by the Water Supply and Sewage Disposal System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as are required by said ordinance.

This bond and the interest thereon are exempt from any and all taxation whatsoever by the State of Michigan or by any taxing authority within said State.

This bond may be registered as to principal only on the books of the Village kept by the paying agent in the name of the holder, and such registration noted on the back hereof by the paying agent, after which no transfer shall be valid unless made on the books and noted on the back hereof in like manner, but transferability by delivery may be restored by registration to bearer. Such registration shall not affect the negotiability of the interest coupons.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond, and the series of which this is one, have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Village of Shelby, County of Oceana, State of Michigan, by its Village Council, has caused this bond to be signed in the name of said Village by its President and to be countersigned by its Village Clerk, and the corporate seal of the Village to be hereunto affixed, and the coupons hereto attached to be signed by the facsimile signatures of its President and Village Clerk, all as of the first day of February, A.D., 1969.

VILLAGE OF SHELBY

President

(SEAL)

Countersigned:

Village Clerk

(Form of Coupon)

No. _____ \$ _____

On the first day of _____, A.D., 19____, the VILLAGE OF SHELBY, County of Oceana, State of Michigan, will pay to the bearer hereof the sum shown hereon, in the manner and out of the revenues described in said bond, at THE SHELBY STATE BANK, Shelby, Michigan, or, at the option of the holder, at BANKERS TRUST COMPANY, New York, New York, being the interest due that date on its Water and Sewer System Improvement Revenue Bond, Series of 1969, dated February 1, 1969, No. _____.

This coupon is not a general obligation of the Village of Shelby, but is payable from certain revenues as set forth in the bond to which it pertains.

President

Village Clerk

REGISTRATION
NOTHING TO BE WRITTEN HEREON EXCEPT BY
PAYING AGENT

Date of Registration	:	Name of Registered Owner	:	Registrar
:	:	:	:	
:	:	:	:	
:	:	:	:	
:	:	:	:	

(Ord. 125. Passed 11-11-68.)

1044.18 MUNICIPAL FINANCE COMMISSION APPROVAL.

The Village Clerk is hereby authorized and directed to make application to the Municipal Finance Commission for authority to issue and sell said bonds and for approval of the form of notice of said bonds in accordance with the provisions of Act 94 of the Public Acts of 1933, as amended. (Ord. 125. Passed 11-11-68.)

CHAPTER 1046
Sewers Generally

1046.01 Definitions.

1046.02 Unlawful deposits, discharges and facilities; connection to public sewers; Superintendent.

1046.03 Private sewage disposal.

1046.04 Building sewers and connections.

- 1046.05 Use of public sewers.
- 1046.06 Damaging and tampering with facilities.
- 1046.07 Powers and authority of inspectors.
- 1046.99 Penalty.

CROSS REFERENCES

- Sewers and sewer systems generally - see Mich. Const., Art. 7, §24; M.C.L.A. §§46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.
- Sewers generally - see CHTR. Ch. VII, §§24 et seq.
- Septic tanks - see GEN. OFF. 670.04, 1440.06
- Sewage disposal system - see S.U. & P.S. Ch. 1044

1046.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.
- (2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes resulting from the domestic and commercial preparation, cooking, and dispensing of food, and from handling, storage and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes resulting from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean 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 one-half inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm and surface waters and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground and surface waters and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "may" is permissive.

(18) "Slug" shall mean 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 fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the Village of Shelby, or his or her authorized deputy, agent or representative.

(21) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 127. Passed 10-27-69.)

1046.02 UNLAWFUL DEPOSITS, DISCHARGES AND FACILITIES; CONNECTION TO PUBLIC SEWERS; SUPERINTENDENT.

(a) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Shelby, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.

(b) No person shall discharge to any natural outlet within the Village of Shelby, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village, is hereby required at his or her 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 chapter. Said connections shall be contracted for within ninety days after completion of the original construction of the sewerage system, and shall be operative within 180 days after such completion of construction of the original system, provided that said public sewer is within 100 feet of the property line.

(e) Connection shall be a pipe at least four inches in diameter for residential services, and shall be of adequate size at least of six inches in diameter to service any anticipated needs of commercial and industrial users. Commercial and industrial users shall consult the Superintendent and obtain his or her approval of their connections in advance of construction thereof.

(f) Materials used in pipe for connections shall be of approved grade of clay, cast iron or asbestos-cement. All joints of pipe so used shall be premium joints with flexible seals, and said flexible seals shall be integral to the pipe so used. All joints and fittings shall be watertight.

(g) All connections shall be made so that the installation so laid follows a straight line to the main or point of connection, with a one percent grade to the main. Any discrepancy in depth occasioned by this practice shall be cured by a fall of forty-five degrees made in the connection immediately adjacent to the main or point of connection thereto. Where possible, no connection shall be less than four feet in depth. No sand or foreign material shall be allowed to enter the system during connection construction.

(h) Any contractor installing connections for others shall obtain a permit from the Village Clerk and shall deposit with the Clerk a cash performance bond in the amount of one thousand dollars (\$1,000). Said bond shall be forfeited if it appears within six months of the contractor's installation of the connection that, due to faulty workmanship or materials, the connection is not properly sealed or does not properly drain or does not otherwise conform to the requirements herein. Said bond shall be refunded if said defects if any are not apparent within six months or after their cure and approval by the Superintendent. Any forfeiture shall be only to the extent necessary to repair said defects.

(i) The Village Council shall designate a Superintendent who shall examine each connection installation so made before it is covered, and shall indicate his or her approval upon the owner's permit and shall also indicate his or her approval in the records of the Village Clerk. If the Superintendent rejects an installation, he or she shall state his or her reasons for so doing to the contractor or to the owner as appropriate.

(j) The Village shall not be responsible for the construction or maintenance of hook-ups, connections or leads, and any defect or blockage therein shall be the responsibility of the owner. (Ord. 127. Passed 10-27-69.)

1046.03 PRIVATE SEWAGE DISPOSAL.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 1046.02(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the Superintendent.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all State regulations and the provisions of the Sanitary Code of District Health Department No. 10, as amended. 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 12,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

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

(g) After the original construction of the public sewerage system, when a public sewer becomes available, the building sewer shall be connected to said sewer within ninety days.

(Ord. 127. Passed 10-27-69.)

1046.04 BUILDING SEWERS AND CONNECTIONS.

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

(b) There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

(c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except 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.

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

(f) The size, slope, alignment, 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 A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. (Ord. 127. Passed 10-27-69.)

1046.05 USE OF PUBLIC SEWERS.

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

(b) Stormwater 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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

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

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

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

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

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

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

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-five degrees Centigrade).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and 150 degrees Fahrenheit (zero and sixty-five degrees Centigrade).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

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

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

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

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

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

C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment 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.

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

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (j) hereof.

If the Superintendent 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 Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

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

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

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

(i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said 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. 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 twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(j) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, by the industrial concern.
(Ord. 127. Passed 10-27-69.)

1046.06 DAMAGING AND TAMPERING WITH FACILITIES.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.
(Ord. 127. Passed 10-27-69.)

1046.07 POWERS AND AUTHORITY OF INSPECTORS.

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

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to company property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 1046.05(h).

(c) The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 127. Passed 10-27-69.)

1046.99 PENALTY.

(a) Any person found to be violating any provision of this chapter, except Section 1046.06, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) hereof shall be subject to the penalty provided in Section 202.99 of the Administration Code.

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

(d) Should conditions which constitute a continuing violation of this chapter be continued on any private property within the Village of Shelby, the Superintendent may go on that property to correct said violation. The Village may add to the taxes upon that property the cost of such correction, and the same shall be a tax lien of equal validity with other real estate taxes upon that property. However, the Superintendent shall not go on private property for any other purpose under this section except for the correction of such condition, and his or her entry shall be strictly limited to actions necessary for the correction of said condition.

(e) Any person found to be violating any provision of this chapter in such a manner as to create or tolerate the continuance of a condition which threatens damage to the System may be denied the use of the System or the use of portions of the System, such as water supply or liquid waste disposal, until the correction of the condition has been made to the satisfaction of the Superintendent.

CHAPTER 1048

Gas

EDITOR'S NOTE: The Village contracts for natural gas service. Copies of the latest relevant legislation and contract may be obtained, at cost, from the Village Clerk

There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Oil and gas generally - see M.C.L.A. §§319.1 et seq.,
486.251 et seq.

CHAPTER 1050
Electricity

EDITOR'S NOTE: The Village contracts for electrical service. Copies of the latest relevant legislation and contract may be obtained, at cost, from the Village Clerk.

There are no sections in Chapter 1050. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Electricity generally - see Mich. Const. Art. 7, §§24, 25

Connection of trailer coaches to electric service - see B. & H.
1440.08

TITLE SIX - Other Public Services
Chap. 1060. Garbage and Rubbish Collection and Disposal.

CHAPTER 1060
Garbage and Rubbish Collection and Disposal

EDITOR'S NOTE: The Village contracts for garbage and rubbish collection and disposal. The individual users pay for the services of the contractor. Copies of the latest relevant legislation and contract may be obtained, at cost, from the Village Clerk.

There are no sections in Chapter 1060. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Garbage and refuse generally - see M.C.L.A. §§46.171 et seq.,
123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. §§123.301 et seq.

Deposit of rubbish, etc., in streets and alleys - see TRAF. 420.03

Deposit of garbage and refuse generally - see GEN. OFF. 670.02

Storage of junk and metallic waste - see GEN. OFF. 670.03