

TABLE OF CONTENTS

	Page
ARTICLE I- SHORT TITLE.....	1
Section 101. Short Title and Purpose.....	1
Section 102. Purpose.....	1
ARTICLE II - DEFINITIONS.....	2
Section 201. Definitions.....	2
(1) Available Public Sanitary Sewer System.....	2
(2) B.O.D. ₅ or Biochemical Oxygen Demand	2
(3) Building Drain.....	2
(4) Building Sewer.....	2
(5) C.O.D. or Chemical Oxygen Demand	2
(6) Compatible Pollutant	2
(7) Connection Fee	2
(8) Control Manhole	3
(9) Cost of Operation and Maintenance.....	3
(10) Cost of Replacement	3
(11) Direct Connection.....	3
(12) Discharge Permit.....	3
(13) Domestic Sewage	3
(14) Dwelling Unit.....	3
(15) Garbage	3
(16) Health Department	3
(17) Indirect Connection.....	3
(17A) Industrial Park Interceptor	4
(18) Industrial Users	4
(19) Industrial Wastes.....	4
(20) Inspection Fee	4
(21) Inspector.....	4
(22) May	4
(23) MDEQ.....	4
(24) MG/L.....	4
(25) Miscellaneous User Fee	4
(26) Natural Outlet.....	4
(27) Normal Strength.....	4
(28) Nuisance.....	5
(29) pH.....	5
(30) PPM.....	5
(31) Person.....	5
(32) Premises	5
(33) Properly Shredded Garbage	5
(34) Public Sewer System or System	5
(35) Receiving Fund	5
(36) Septic Tank	5
(37) Service Connection.....	5

(38)	Service District.....	6
(39)	Sewer Lateral.....	6
(40)	Sewage Disposal Facilities.....	6
(41)	Sewage.....	6
(42)	Sewer Administrator.....	6
(43)	Sewer Rates and Charges.....	6
(44)	Shall.....	6
(45)	Slug.....	6
(46)	Structure in which Sanitary Sewage Originates.....	6
(47)	Storm Sewer or Storm Drain.....	6
(48)	Subsurface Disposal System.....	6
(49)	S.S. or Suspended Solids.....	6
(49A)	Trunkage Fee.....	7
(50)	Village.....	7
(51)	U.S. EPA.....	7
(52)	Unit or Units.....	7
(53)	User.....	7
(54)	User Charge.....	7
(55)	User Class.....	7
(56)	User Surcharge.....	8
(57)	Wastewater Treatment Plant.....	8
(58)	Watercourse.....	8
ARTICLE III - USE OF PUBLIC SEWER SYSTEM REQUIRED.....		8
Section 301.	Discharge of Sewage.....	8
Section 302.	Sewage Disposal Facilities.....	8
Section 303.	Mandatory Connection of Properties in Service District.....	8
Section 304.	Connection Deadline.....	9
Section 305.	Enforcement in the Event of a Failure to Connect.....	9
Section 306.	Optional Connection.....	9
Section 307.	Connection of Premises Located Outside the Service District.....	9
Section 308.	Required Inspections for Sewer Extension.....	10
(a)	Alignment and Grade.....	10
(b)	Leakage Tests.....	10
(c)	Pipe Deflection Tests.....	11
(d)	Televising.....	11
(e)	Testing and Inspecting Costs.....	12
ARTICLE IV - PRIVATE SEWAGE DISPOSAL.....		12
Section 401.	Private Sewage Disposal Facilities.....	12
Section 402.	Operation and Maintenance.....	12
Section 403.	Governmental Requirements.....	12
Section 404.	Connection to Public Sewer System; Abandonment.....	12
ARTICLE V - BUILDING SEWERS AND CONNECTIONS.....		12
Section 501.	Permit Requirement.....	12
Section 502.	Permit Application.....	12

Section 503.	Approval of Application	12
Section 504.	Building Sewer Replacement Program.....	14
Section 505.	Excavations, Pipe Laying and Backfill.....	15
Section 506.	Connection of Building Sewer	15
Section 507.	Connection of Certain Drains is Prohibited	15
Section 508.	Public Safety Requirements; Restoration	15
Section 509.	Cost of Installation of Building Sewer and Connection to Public Sewer; Indemnification.....	15
Section 510.	Inspection.....	16
Section 511.	Village's Responsibility for Repairs, Operation and Maintenance	16
Section 512.	Property Owner's Responsibility for Repairs, Operation and Maintenance	16
Section 513.	Contractor Requirements	16
ARTICLE VI - USE OF THE PUBLIC SEWER SYSTEM		17
Section 601.	Prohibited Discharge of Storm Water	17
Section 602.	Permissible Discharge of Storm Water	17
Section 603.	Prohibited Discharges to Public Sewer System.....	17
Section 604.	Discharge Permit Limitations	19
Section 605.	Remedies; Pre-Treatment	19
Section 606.	Maintenance of Pre-Treatment Facilities	20
Section 607.	Special Arrangements; Sur charge	20
Section 608.	Grease, Oil and Sand Interceptors.....	20
Section 609.	Control Manhole	20
Section 610.	Testing of Industrial Wastes	21
Section 611.	Test Standards.....	21
Section 612.	Industrial Users	21
ARTICLE VII - SEWER RATES AND CHARGES		21
Section 701.	Public Utility Basis; Fiscal Year	21
Section 702.	Fees for Connection to System	22
(a)	Connection Fee	22
(b)	Trunkage Fee.....	22
(c)	Inspection Fee	22
(d)	Service Connection.....	22
Section 703.	Considerations Relating to Connection to System.....	22
(a)	Increase in Use	22
(b)	Repair and Replacement of Service Connection.....	23
Section 704.	User Charge	23
(a)	Computation.....	23
(b)	Normal Strength Domestic Sewage	23
(c)	Accrual Date	23
(d)	Unoccupied Premises	23
Section 705.	User Surcharge	23
Section 706.	Miscellaneous Customer Fee	24
Section 707.	Billing of Sewer Rates and Charges	24
Section 708.	Unpaid Sewer Rates and Charges	24

Section 709. Unpaid Sewer Rates and Charges; Remedies	24
Section 710. Lien	25
Section 711. No Free Service	25
Section 712. Rental Properties	25
Section 713. Cancellation of Permits; Disconnection of Service	25
Section 714. Security Deposit	26
Section 715. Billing Address	26
Section 716. Interruption of Service; Claims	26
 ARTICLE VIII - REVENUES	 26
Section 801. Revenues; Depository	26
 ARTICLE IX - ADMINISTRATIVE APPEALS; BOARD OF APPEALS	 27
Section 901. Board of Appeals	27
Section 902. Informal Hearing	27
Section 903. Appeals from Informal Hearing	27
Section 904. Payment of Amounts Outstanding	27
Section 905. Effect of Administrative Action	28
Section 906. Appeal from Board of Appeals	28
 ARTICLE X - ENFORCEMENT	 28
Section 1001. Inspection by Village	28
Section 1002. Damage to System	28
Section 1003. Notice to Cease and Desist	28
Section 1004. Civil Infraction	28
Section 1005. Nuisance; Abatement	29
Section 1006. Liability for Expenses	29
Section 1007. Remedies Are Cumulative	29
 ARTICLE XI - MISCELLANEOUS	 29
Section 1101. Repeal of Conflicts	29
Section 1102. Severability	29
Section 1103. State and Federal Law Requirements	29
Section 1104. Article and Section Headings	29
 ARTICLE XII - PUBLICATION AND EFFECTIVE DATE	 30
Section 1201. Publication	30
Section 1202. Effective Date	30
 ARTICLE XIII - AMENDMENT	 30
Section 1301. Reservation of Right to Amend	30
 APPENDIX I - Table of Unit Factors	 I-1

ORDINANCE NO. 3.98-02

**AS AMENDED BY ORDINANCE NO. 6-98.06, ORDINANCE NO. 08-98.08,
ORDINANCE NO. 6-99.03, ORDINANCE NO. 04-2000.02,
ORDINANCE NO. 04.2004.03 AND ORDINANCE NO 02-2005.01**

THE VILLAGE OF KENT CITY ORDAINS:

AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONNECTION AND REPAIR OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE KENT CITY SEWER SYSTEM; TO PROVIDE FOR THE CONNECTION TO AND THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS.

**ARTICLE I
SHORT TITLE**

Section 101. Short Title and Purpose. This Ordinance shall be known as the “Kent City Sewer Connection, Use and Rate Ordinance” and may be cited as such.

Section 102. Purpose. This Ordinance sets forth uniform requirements for Users of the Village’s Public Sewer System and enables the Village to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.). The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the Public Sewer System that will interfere with its operation or pass through the Public Sewer System, inadequately treated, into receiving waters, or otherwise be incompatible with the Public Sewer System;
- (b) To protect both Public Sewer System personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (c) To implement a user charge system for the equitable distribution of the Cost of Operation and Maintenance and the Cost of Replacement of the Public Sewer System; and
- (d) To enable the Village to comply with its Discharge Permit conditions and any other Federal or State laws to which the Public Sewer System is subject.

**ARTICLE II
DEFINITIONS**

Section 201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) Available Public Sanitary Sewer System A public sanitary sewer system (tapped or untapped) located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the Premise and passes not more than 200 feet at the nearest point from a Structure in which Sanitary Sewage Originates.
- (2) B.O.D.₅ or Biochemical Oxygen Demand As used in this Ordinance, the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedures in five (5) days at 20°C., expressed in PPM by weight.
- (3) Building Drain That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.
- (4) Building Sewer The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System or other place of disposal.
- (5) C.O.D. or Chemical Oxygen Demand The oxygen consuming capacity of inorganic and organic matter present in Sewage.
- (6) Compatible Pollutant The pollutants which can be treated and removed to a substantial degree by the Wastewater Treatment Plant. These pollutants include but are not limited to defined maximum concentrations of B.O.D.₅, S.S., pH and additional pollutants identified in the Discharge Permit if the Wastewater Treatment Plant was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.
- (7) Connection Fee The charge imposed by the Village to grant permission to connect a Building Sewer to the Public Sewer System. The connection fee may be a Direct Connection Fee or an Indirect Connection Fee depending on whether the connection is a Direct Connection or Indirect Connection as defined herein, and may be in addition to Trunkage Fees, Inspection Fees and other charges. The Connection Fee represents part of the proportionate cost attributable to each Premises for making the System available to service said premises.

- (8) Control Manhole The structure installed on the Building Sewer or Service Connection pipeline to allow access for measurement and sampling of Sewage discharging from industrial and commercial establishments.
- (9) Cost of Operation and Maintenance All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection, transportation and treatment of Sewage on a continuing basis in conformance with the Discharge Permit, and other applicable local, state and federal regulations.
- (10) Cost of Replacement Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the capacity and performance for which the System was designed and constructed.
- (11) Direct Connection The connection of the Building Sewer directly to the Public Sewer System.
- (12) Discharge Permit Permit issued by the MDEQ for the discharge of treated Sewage from the Wastewater Treatment Plant.
- (13) Domestic Sewage The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.
- (14) Dwelling Unit For purposes of assigning units, a “dwelling” unit shall contain, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen.
- (15) Garbage Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce and, in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.
- (16) Health Department Kent County Health Department.
- (17) Indirect Connection The connection of a Building Sewer to a sewage collection system which is installed and paid for by special assessment or private funds, which sewage collection system is, after construction, turned over to the Village and becomes part of the Public Sewer System and which has not been subject to repair, revision or replacement by the Village, (i.e. if a developer constructs a new sanitary sewer in a plat and connects the sewer to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection).

- (17A) Industrial Park Interceptor The sanitary sewer collection and interceptor sewer which extends westerly from the manhole located at the westerly property line of permanent parcel no. 41-01-32-100-011 and which was constructed in accordance with a certain Construction and Payback Agreement dated as of June 10, 1998.
- (18) Industrial Users Users which discharge Industrial Wastes.
- (19) Industrial Wastes The liquid wastes, solids or semisolids from industrial, manufacturing, trade or business processes as distinct from Domestic Sewage.
- (20) Inspection Fee The amount charged, to each applicant by the Village at the time an application is made to the Village for connection, disconnection or reconnection to the Public Sewer System, to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and Service Connection to the Public Sewer System, and the issuance of a connection permit.
- (21) Inspector The persons responsible for inspecting connections of Building Sewers and Service Connection to the Public Sewer System as designated by the Village.
- (22) May Is permissive.
- (23) MDEQ Michigan Department of Environmental Quality.
- (24) MG/L Milligrams per liter.
- (25) Miscellaneous User Fee The amount charged to Users for miscellaneous services and related administrative costs associated with the System.
- (26) Natural Outlet Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (27) Normal Strength Sewage which when analyzed shows a daily average concentration of not more than 200 mg/l of BOD, nor more than 250 mg/l of Suspended Solids; nor more than 10 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN.

- (28) Nuisance Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.
- (29) pH The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.
- (30) PPM Parts per million.
- (31) Person Any individual, firm, company, association, society, corporation or group, public or private.
- (32) Premises The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable parcel of property.
- (33) Properly Shredded Garbage The wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such 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 in any dimension.
- (34) Public Sewer System or System The Village's sanitary sewer collection and interceptor systems, including all publicly-owned Service Connections, mains, lift stations, odor control facilities, the Industrial Park Interceptor and all appurtenances thereto, located in the Service District, and in addition the Wastewater Treatment Plant.
- (35) Receiving Fund The fund established pursuant to Article VIII to receive collections of Sewer Rates and Charges.
- (36) Septic Tank A watertight tank or receptacle used to receive Domestic Sewage and intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.
- (37) Service Connection The portion of the Public Sewer System which extends either to or onto the parcel of land adjacent to the path of the Public Sewer System, and includes the sewer main, tee/wye, the Sewer Lateral, and appurtenances. The Building Sewer shall be considered a part of the Service Connection only in accordance with Section 504 of this Ordinance.

- (38) Service District All lands located from time to time within the boundaries of the Village.
- (39) Sewer Lateral That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends therefrom to the property line.
- (40) Sewage Disposal Facilities Any Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the System.
- (41) Sewage Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.
- (42) Sewer Administrator The person appointed by the Village Council, initially the Village Clerk, who shall be responsible for the overall administration of the system.
- (43) Sewer Rates and Charges The Connection Fee, Trunkage Fee, Inspection Fee, User Charge, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 304.
- (44) Shall Is mandatory.
- (45) Slug Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (46) Structure in which Sanitary Sewage Originates A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.
- (47) Storm Sewer or Storm Drain A sewer which carries storm or surface waters, or drainage, but is intended to exclude Sewage.
- (48) Subsurface Disposal System An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a “drainfield system,” “tile field” or a “soil absorption system”).
- (49) S.S. or Suspended Solids Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

- (49A) Trunkage Fee The charge for part of the cost allocable to a Premises on a per Unit basis for interceptor sewer lines, lift stations, the Wastewater Treatment Plan and related appurtenances necessary to serve the entire System and which are not completely assessed directly to any particular Premises.
- (50) Village The Village of Kent City, located in Kent County, Michigan, and/or its duly authorized agent or representative.
- (51) U.S. EPA The United States Environmental Protection Agency.
- (52) Unit or Units A standard basis of measuring the relative quantity of Sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A listing of the relative relationships between the various Users of the System is hereby determined by the Village and is set forth in Appendix I to this Ordinance. The assignment of Unit(s) to a particular User shall be determined from time to time by the Village, based upon the use to which the User's property is put.
- Each User shall be assigned a minimum of one (1) Unit. A building containing multiple Users shall be assigned a minimum of one (1) Unit for each User. Fractions of Units in excess of one (1) Unit shall be rounded up to the next whole number. The assignment of Unit(s) for any use not enumerated in Appendix I shall, in the sole discretion of the Village, be based upon the most similar use enumerated in Appendix I.
- (53) User A recipient of services provided by the System including Premises which are connected to and discharge Sewage into the System.
- (54) User Charge A charge, based on Units, levied on Users of the System which represents that User's share of the cost of Cost of Operation and Maintenance (including Cost of Replacement) of the System. The User Charge may also include a component for payment of debt service on Village indebtedness secured by revenues of the Public Sewer System.
- (55) User Class The kind of user class connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

Residential User: Shall mean a User of the System whose premises or buildings are used primarily as a domicile for one (1) or more persons including Dwelling Units such as detached, semi-detached

and row houses, mobile homes, apartments or permanent multi-family dwellings (transit lodging is not included, it is considered a Commercial User).

Industrial User: Shall mean a User of the System which discharges Industrial Wastes as distinct from its employees Domestic Sewage.

Commercial User: Shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Village, discharges primarily segregated Domestic Sewage and which is not a Residential User or an Industrial User.

Institutional User: Shall mean any establishment listed in the SICM involved in a social, charitable, religious or educational function which, based on the determination by the Village, discharges primarily segregated Domestic Sewage.

Governmental User: Shall mean any federal, state or local government User of the System.

- (56) **User Surcharge** A charge imposed on a User of the System for discharges of Sewage that are in excess of Normal Strength Sewage.

- (57) **Wastewater Treatment Plant** The publicly-owned physical plant and appurtenances designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System, and owned by the Village.

- (58) **Watercourse** A channel in which a flow of water occurs, either continuously or intermittently.

**ARTICLE III
USE OF PUBLIC SEWER SYSTEM REQUIRED**

Section 301. Discharge of Sewage. No Person shall discharge to any Natural Outlet within the Service District any Sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Ordinance.

Section 302. Sewage Disposal Facilities. Except as provided in this Ordinance, no Person shall construct or maintain in the Service District any Sewage Disposal Facilities.

Section 303. Mandatory Connection of Properties in Service District. All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, are hereby required at their expense to install suitable plumbing fixtures and

connect such facilities directly with the Available Public Sanitary Sewer System in accordance with the provisions of this Ordinance. The Village may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

Section 304. Connection Deadline. As a matter of public health, all connections to the Public Sewer System required hereunder, shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Village to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such twelve (12) month period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required.

Section 305. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Public Sewer System is not made within the time provided by Section 304, the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village ordinance and state law. In the event the required connection is not made within ninety (90) days after the date of mailing or posting of the written notice, the Village may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

Section 306. Optional Connection. The owner of a Structure in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, but not located adjacent to an Available Public Sanitary Sewer System, may elect to extend the Public Sewer System so as to become an Available Public Sanitary Sewer System with respect to the affected Premises and connect thereto. The owner of the Premises in this circumstance shall, in addition to all requirements imposed by this Ordinance, pay all expense of the extension of the Public Sewer System. The extension of the Public Sewer System shall extend across the full width of the affected Premises and be dedicated to the Village upon completion. The owner of a Structure in Which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District and located more than two hundred (200) feet from a public sanitary sewer located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the Premises, may elect to connect said structure to the Public Sewer System in compliance with this Ordinance.

Section 307. Connection of Premises Located Outside the Service District. Premises located outside the Service District shall be permitted to connect to the Public Sewer only upon the consent of the Village Council, subject to the continued availability of capacity for Premises located within the Service District.

Section 308. Required Inspections For Sewer Extension. Before an extension of the Public Sewer System may be accepted, the owner must establish that the extension has been inspected and approved to become an Available Public Sanitary Sewer System with respect to each affected Premises and that all connections thereto have been inspected and improved. Each inspection of an extension shall include, but not be limited to, the following:

- (a) **Alignment and Grade.** Each section of sewer shall be checked by the Village Engineer for alignment and grade, using the laser beam method, lights and mirror, television inspection, or other similar means as determined by the Village Engineer. The owner shall assist the Village Engineer in the performance of these tests when necessary. If a section of sewer is determined by the Village Engineer not to be acceptable for alignment or grade, the owner shall correct the alignment or grade issues before the Village accepts the sewer.
- (b) **Leakage Tests.** The completed sewer shall be free from leaks either by infiltration or exfiltration. Manholes will be visually inspected for leakage. All sewers shall be subjected to an air test, unless otherwise specified herein.

All sewers which are submerged by groundwater to an average depth of greater than seven (7) feet above the crown of the sewer at the time of the test shall be subjected to an infiltration test.

The air test shall be performed on each section of pipe between manholes after laterals are installed. The section of pipe being tested shall be sealed at each manhole using inflatable plugs or other approved devices. All plugs shall be adequately braced. Where the expected water table level is seven (7) feet or less above the pipe, the test pressure limits will be 3.5 to 2.5 psig (pounds per square inch, gauge). Where the expected water table level is more than seven (7) feet above the pipe, the test pressure limits will be 4.5 to 3.5 psig. The foregoing limits shall apply for dry trench conditions. In a wet trench condition where the water table has risen above the pipe to a depth of seven (7) feet or less above the crown of the pipe prior to testing, the air testing limits shall be determined by adding to the original 3.5 psig an additional 0.433 psig for each foot the water table is above the crown of the pipe, or the air testing limit shall be as determined in the dry trench condition, whichever is greater.

The air pressure in the section under test shall be raised to an initial pressure of 0.5 psig above the beginning test pressure and allowed to stabilize for a minimum of five (5) minutes. The rate of air loss shall be determined by measuring the time interval required for the internal pressure to decrease 1.0 psig within the limits previously specified. The Village Engineer shall determine minimum time intervals for satisfactory testing. The Village Engineer may, in its discretion, require an exfiltration

test or an infiltration test if such tests are determined to be advisable. Allowable leakage shall not exceed one hundred (100) gallons per day per inch of diameter per mile of sewer.

Exfiltration tests shall be conducted by isolating a section or sections of the sewer by means of a temporary water-tight bulkhead. The isolated areas shall be filled with water to a level which is two and one-half (2-1/2) feet above the existing water table but not less than two and one-half (2 1/2) feet above the crown of the sewer pipe at the high end of the isolated section under the test.

- (c) **Pipe Deflection Tests (flexible pipe only).** Any pipe having a pipe stiffness of 115 psi. or less as defined under the requirements of ASTM designation D2412 (hereinafter referred to as flexible pipe) shall be subjected to pipe deflection tests.

Flexible pipe as installed shall at no point have out-of-round deflections in the main sewer pipe greater than five percent (5%) of the pipe's actual original inside diameter. Using an approved pointed mandrel with nine (9) points, the owner shall in the presence of the Village Engineer, or an authorized representative, conduct gauging tests after the trench is backfilled and before the surface restoration is begun. Pipe with deflections greater than five percent (5%) shall be relaid by the owner at no expense to the Village. Vibratory rerounding of failed sections is prohibited. A minimum of thirty (30) days shall elapse between installation and backfilling and deflection testing.

- (d) **Televising.** Prior to the placement of paved surfaces and prior to acceptance or activation of a sewer extension, the owner shall conduct a recorded internal televised inspection of all sanitary sewers as directed by the Village Engineer. The recording shall be accomplished on professional quality, standard one-half inch (1/2") color VHS tape cassettes with audio input, or such other equivalent medium as may be approved by the Village Engineer. The owner shall provide a written report and two (2) copies of the tape recording to the Village Engineer. The tape shall show the name of the project, the date and approximate time of the testing, the name of the street, the manhole numbers of each end of each inspection run and the stationing between manholes. The recording shall clearly show the pipe interior, joints, alignment and wye locations and stations. The Village Engineer shall review the recording to verify compliance with requirements for workmanship and materials. The written report submitted by the owner shall include a log for each recording to provide a written record of the information provided on the recording, and shall show the name of the project and all other pertinent data.

- (e) **Testing and Inspecting Costs.** All testing and inspection costs for sewer extensions shall be at the sole expense of the owner, who shall reimburse the Village for Village Engineer expenses associated with the inspection and approval process.

ARTICLE IV PRIVATE SEWAGE DISPOSAL

Section 401. Private Sewage Disposal Facilities. If a Public Sewer System is not available to a parcel of land located in the Service District in accordance with the provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department and the MDEQ.

Section 402. Operation and Maintenance. The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Village.

Section 403. Governmental Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village, the Health Department, the MDEQ or any other governmental agency with jurisdiction.

Section 404. Connection to Public Sewer System; Abandonment. At such time as the Public Sewer System becomes available to a parcel served by private Sewage Disposal Facilities in accordance with Article III, the Building Sewer shall be connected to the Public Sewer System in compliance with this Ordinance and the private Sewage Disposal Facilities shall be abandoned for sanitary use in the manner required by the Health Department.

ARTICLE V BUILDING SEWERS AND CONNECTIONS

Section 501. Permit Requirement. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Public Sewer System without first obtaining a written permit from the Village in accordance with Section 502.

Section 502. Permit Application. A connection to the Public Sewer System shall be made only by a contractor or plumber which complies with the requirements of Section 513 and a Service Connection permit issued by the Village. Prior to said connection, the property owner or his agent shall submit a permit application to the Village. This permit application shall be on a form furnished by the Village and shall be accompanied by payment in full of the applicable fees determined in accordance with Section 702, and any civil penalty which has accrued pursuant to Section 304 above, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Village. A permit for a Service Connection must be obtained prior to filing an application with the Village for a building permit. If the building permit expires prior to commencement of construction, then the permit for Service Connection shall also be deemed to have expired.

Section 503. Approval of Application. The approval of a Service Connection permit application shall be subject to:

- (a) Compliance with all terms of this Ordinance, including, without limitation, Section 502, above, and the rules and regulations of the Health Department and the MDEQ,
- (b) The availability of capacity in the System, including Compatible Pollutant capacity, and
- (c) Compliance of the plans and specifications for connection with the following standards for construction:
 - (i) The design, installation and connection of the Building Sewer and Service Connection to the Public Sewer System shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Village (including, if applicable, recommendations of the Village engineer). Any deviation from the prescribed procedures and materials must be approved by the Inspector.
 - (ii) The size of the Building Sewer shall not be less than four (4) inches in diameter and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.
 - (iii) Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the Service Connection.
 - (iv) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Drain shall be lifted by means acceptable to the Village and discharged to the Service Connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.
 - (v) Where the Public Sewer System is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the Service Connection using methods and materials approved by the Village.

- (vi) All joints and connections shall be made gastight and watertight.
- (vii) A separate and independent Building Sewer shall be provided for every building; provided that in the event one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear 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.
- (viii) A suitable backwater valve shall be installed in the Building Sewer and a cleanout shall be installed between the backwater valve and the Public Sewer at the expense of the applicant.

Section 504. Building Sewer Replacement Program.

- (a) Building Sewers which do not meet the standards for construction provided by Section 503(c), including in particular Building Sewers which are not water tight and as a result either discharge Sewage to the ground or the groundwater or admit groundwater to the Building Sewers are hereby declared to be a Nuisance contrary to the preservation and protection of the public health, safety and welfare of the Village.
- (b) In the event the Village determines that a Building Sewer constitute a Nuisance in accordance with Section 504(a), the owner of record of the affected Premises shall replace the Building Sewer within ninety (90) days after written notice of said determination is given by the Village and in such event the owner of the Premises shall pay all costs and expenses related to the Building Sewer replacement;
- (c) As an alternative to Section 504(b), the owner of record of a Premises may file a written building sewer replacement application with the Village not later than the latter of (A) the 30th day after the Village gives written notice of the Village's Building Sewer Replacement Program or (B) within twenty-four (24) hours after personal or telephone notice by the Village of the Village determination that a Building Sewer constitute a Nuisance in accordance with Section 504(a). The written application shall provide for the following:
 - (i) The owner requests the Village to replace the Building Sewer;
 - (ii) The Building Sewer shall be considered by both the owner of the Premises and the Village to be part of the Service Connection until the replacement of the Building Sewer is complete; following completion of the replacement, the Building Sewer shall no longer be considered to be part of the Service Connection;

- (iii) The owner of the Premises shall execute an easement in favor of the Village in a form provided and approved by the Village to grant permission to the Village to replace the Building Sewer on the Premises;
- (iv) The Village shall hire a contractor to replace the Building Sewer;
- (v) The Village shall pay \$300 towards the cost of replacing a Building Sewer which serves a building from the same side as the Public Sewer plus the incremental cost of replacing a Building Sewer for a Premises for which the Village switches public sewer service from the rear of the Premises to the front of the Premises (for purposes of the foregoing, the \$300 payment by the Village shall only be used for the cost of purchasing and installing the pipe and shall not be applied towards the cost of the backwater valve and cleanout); and
- (vi) The Owner of the Premises shall make a cash deposit with the Village in the amount of \$500 at the time of filing of the application. To the extent the cost of the Building Sewer replacement is greater than or less than the sum of the Village's contribution in (v) above plus the Owner's deposit provided for in this subsection, the Village shall refund the difference or bill the Owner for the balance due as a Miscellaneous Customer Fee.

Section 505. Excavations, Pipe Laying and Backfill. All excavations, pipe laying and backfill required for the installation of Building Sewers and Service Connections shall be done to conform to requirements and standards approved by the Village. No backfill shall be placed until the work has been inspected and approved by the Inspector.

Section 506. Connection of Building Sewer. The connection of the Building Sewer to the Public Sewer System shall be made at the Service Connection.

Section 507. Connection of Certain Drains is Prohibited. No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

Section 508. Public Safety Requirements; Restoration. All excavations for Building Sewer installation and connection to the Public Sewer System 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 at the cost of the property owner in a manner satisfactory to the Village and all other governmental entities having jurisdiction.

Section 509. Cost of Installation of Building Sewer and Connection to Public Sewer; Indemnification. All costs and expenses incidental to the installation of the Building

Sewer and the connection thereof to the Public Sewer System shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the Village. Said owner shall indemnify the Village from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Public Sewer System.

Section 510. Inspection. A Service Connection permittee shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection shall include the installation of all required components of the Service Connection. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the Health Department.

Section 511. Village's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection, shall be borne by the Village as part of the Village's budgeted annual expense of the System, subject to the right of the Village to impose a Miscellaneous Customer Fee in accordance with Section 706, below.

Section 512. Property Owner's Responsibility for Repairs, Operation and Maintenance. Except to the extent provided in Section 504, the cost of all repairs, operation, maintenance and replacements of Building Sewers (even if located in a public right of way), Building Drains, interior plumbing and the connection of Building Sewers to the Public Sewer Systems shall be borne by the property owner.

Section 513. Contractor Requirements. Any person desiring to construct a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must provide to the Village:

- (a) A cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Village pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the Service Connection installation and connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration; and

- (b) Evidence of public liability insurance insuring the interests of the Village, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.

ARTICLE VI USE OF THE PUBLIC SEWER SYSTEM

Section 601. Prohibited Discharge of Storm Water. No Person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to the Public Sewer System. Any Premise connected to a Storm Sewer shall comply with county, state and federal requirements as well as those of the Village.

Section 602. Permissible Discharge of Storm Water. Unpolluted water, storm water and all other unpolluted drain water shall be discharged to the ground surface, to a Natural Outlet or to a Storm Sewer or Storm Drain in accordance with applicable state and federal regulations.

Section 603. Prohibited Discharges to Public Sewer System.

- (a) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System or the Wastewater Treatment Plant. These general prohibitions apply to all such Users whether or not the User is subject to the National Categorical Pretreatment Standards of any other national, state or local Pretreatment Standards or requirements. A User may not contribute the following substances to the System or the Wastewater Treatment Plant:
 - (i) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or the Wastewater Treatment Plant or to the operation of the System or the Sewer Treatment Facility. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - (ii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags,

spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (iii) Any Sewage having a pH less than 5.5 or greater than 9.5, or Sewage having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the System or the Wastewater Treatment Plant.
- (iv) Any Sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Wastewater Treatment Plant, or exceed the limitation set forth in a Categorical Pretreatment Standard.
- (v) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (vi) Any substance which may cause the System's or Wastewater Treatment Plant's effluent or any other product thereof such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (vii) Any substance which will cause the Wastewater Treatment Plant to violate its Discharge Permit or the receiving water quality standards.
- (viii) Any Sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (ix) Any Sewage having a temperature which will inhibit biological activity in the System or the Wastewater Treatment Plant resulting in interference, but in no case Sewage with a temperature at the introduction into the System or Wastewater Treatment Plant which exceeds 40°C (104°F).
- (x) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the System or Wastewater Treatment Plant.

- (xi) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state or federal regulations.
- (xii) Any Sewage which causes a hazard to human life or creates a public Nuisance.
- (xiii) Any unpolluted water including, but not limited to, non-contact cooling water.
- (xiv) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industry subcategory, the pretreatment standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Village shall notify all affected Users of the applicable reporting requirements.

Section 604. Discharge Permit Limitations. No Person shall discharge or cause to be discharged into the System any Sewage which would cause effluent from the Wastewater Treatment Plant to exceed discharge limits established in the Discharge Permit issued for operation of the System.

Section 605. Remedies; Pre-Treatment. If any Sewage is discharged, or is proposed to be discharged to the Public Sewer System, and such Sewage contains the substances or possesses the characteristics enumerated in Section 603 or Section 604, and which in the judgment of the Village may have a harmful effect upon the System or Wastewater Treatment Plant, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Village may take the actions necessary to:

- (a) Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.
- (b) Reject the Sewage.
- (c) Require pre-treatment of the Sewage to an acceptable condition prior to discharge to the Public Sewer System.
- (d) Require control over the quantities and rates of discharge.
- (e) Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 704(b) and 705 hereof.

Any Industrial User who discharges Sewage to the System shall pretreat or limit the discharge to conform to standards set forth in the Code of Federal Regulations 40 CFR 403 (Pretreatment) or any applicable more stringent state or local rules, regulations or standards.

If the Village permits the pre-treatment or equalization of Sewage flows, the design and installation of the pre-treatment plants and equipment shall be subject to the review and approval of the Village, the Health Department, the MDEQ, and shall also be subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment or equalization facilities shall take place until all necessary approvals are obtained in writing, and copies of said approvals are forwarded to the Village.

Section 606. Maintenance of Pre-Treatment Facilities. Where preliminary treatment or flow equalizing facilities are provided for any Sewage, said facilities shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Village.

Section 607. Special Arrangements; Surcharge. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any User whereby Sewage of unusual strength or character may be accepted by the Village for treatment, subject to payment of a User Surcharge by the User and provided such Sewage will not damage the System, the Wastewater Treatment Plant or the receiving water.

Section 608. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Village to be necessary for the proper handling of Sewage containing ingredients described in Section 603 of this Article. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be:

- (a) Of the type and capacity prescribed by the Village,
- (b) Located so as to be readily and easily accessible for cleaning and inspection,
- (c) Constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
- (d) Of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for private living quarters or Dwelling Units.

Section 609. Control Manhole. When required by the Village, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Village, shall be easily accessible, and shall be constructed in accordance with plans and specifications

approved by the Village and the Village Engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Village shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at his or her expense.

Section 610. Testing of Industrial Wastes. All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the Control Manhole. Where no specific control manhole has been constructed, the Control Manhole shall be considered to be in the nearest downstream manhole in the Public Sewer System to the point at which the Building Sewer is connected. Costs for said testing may, at the discretion of the Village, be charged to the User discharging the Industrial Wastes as a Miscellaneous Customer Fee.

Section 611. Test Standards. All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and the Wastewater Treatment Plant and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether samples should be taken.

Section 612. Industrial Users. As of the date of adoption of this Ordinance, it is determined that no Users of the System are Industrial Users. Before the Village permits any Industrial User to connect to the System in the future, the Village shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes.

ARTICLE VII SEWER RATES AND CHARGES

Section 701. Public Utility Basis; Fiscal Year. The System shall be operated and maintained by the Village on a public utility basis pursuant to state law under the supervision and control of the Village Council. The Village Council may employ such Person or Persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The System shall be operated on a March to February fiscal year. The Village shall annually, on or before February 1 of each year, prepare a projected budget for the ensuing fiscal year and recommendations for the Sewer Rates and Charges for such ensuing year sufficient to provide for the Cost of Operation and Maintenance of the System as necessary to preserve the System in good repair and working order. The User Charge shall be reviewed annually in conjunction with the preparation of the budget and revised as necessary to meet System expenses and to insure that all User Classes pay their equitable share of the Cost of Operation and Maintenance.

Section 702. Fees for Connection to System. The owner of a Premises required or permitted by Article III to connect to the System shall pay the following fees in full prior to the issuance by the Village of a Service Connection permit to connect to the Public Sewer System pursuant to Article V:

- (a) **Connection Fee.** The Connection Fee shall be a rate per connection established by resolution of the Village Council from time to time. The Connection Fee may be a Direct Connection Fee or an Indirect Connection Fee and the Village Council may, but need not, establish different amounts for a Direct Connection Fee and for an Indirect Connection Fee.
- (b) **Trunkage Fee.** The Trunkage Fee shall be a rate per Unit established by resolution of the Village Council from time to time. The Trunkage Fee for premises served by the Industrial Park Interceptor shall be set at a rate which is \$1,000 per Unit higher than the Trunkage Fee for premises connected to the System but not served by the Industrial Interceptor for so long as the Village continues to make payments to the Developer pursuant to the Construction and Payback Agreement dated as of June 10, 1998 between the Village and George Brown for the industrial park sewer.
- (c) **Inspection Fee.** The Inspection Fee shall be determined from time to time by resolution of the Village Council, shall be based upon the actual cost borne by the Village for its Inspectors and for new connections may be included in the Connection Fee. If, however, unusual circumstances demand, the Village may charge inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the Village for its actual costs, including the costs of outside consultants.
- (d) **Service Connection.** In the event a Service Connection must be installed to permit connection to the Public Sewer System, in addition to the fees set forth above, the owner of the Premises shall be liable to the Village for the actual cost and expenses incurred by the Village to acquire and install the Service Connection pursuant to Village specifications on file at the Village, plus an additional amount equal to fifteen (15%) percent of said cost and expense to defray Village administrative expense.

Section 703. Considerations Relating to Connection to System.

- (a) **Increase in Use.** If subsequent changes at any time increase the amount of sanitary sewage originating from a Premises, the Village Council shall increase the number of Units assigned to said Premises and thereupon a Trunkage Fee for the additional Units shall be payable in cash at the time a construction or other permit is issued by the Village for such changes in use or at the time such change in use occurs, if no permit is issued or required.

- (b) **Repair and Replacement of Service Connection.** In the event the connection of a Building Sewer to a Service Connection for a Premises for which Sewer Rates and Charges have been paid is repaired, revised, or replaced (including replacement of Building Sewer made by the Village in accordance with Section 504), no additional Connection Fee or Trunkage Fee shall be payable provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement. An additional Inspection Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 704. User Charge.

- (a) **Computation.** A User Charge, at a rate per Unit per month or quarter established by resolution of the Village Council from time to time, shall be charged in advance to each Premises connected to the Public Sewer System.
- (b) **Normal Strength Domestic Sewage.** The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 706 below.
- (c) **Accrual Date.** User Charges shall begin to accrue as of the day of the connection of the Building Sewer to the Public Sewer System in accordance with Article V, above. If appropriate, the billing of said charges for the initial billing period shall be pro rated in arrears.
- (d) **Unoccupied Premises.** At the request of the User, a User Charge shall not be charged to a Premises which (i) is not used for a period of twelve (12) consecutive months (which fact shall be established to the reasonable satisfaction of the Village) or (ii) is destroyed or rendered uninhabitable by fire, casualty or act of God. The sewer service for such Premises shall be turned off by the Village and the appropriate Miscellaneous Customer Fee shall be paid by the User.

Section 705. User Surcharge. The User Surcharge payable pursuant to Section 704(b) above, shall be determined from time to time by resolution of the Village Council and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.

Section 706. Miscellaneous Customer Fee. The Village shall, from time to time, establish by resolution of the Village Council and impose on one (1) or more Users a Miscellaneous Customer Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the Inspection Fee, costs of repairing and/or replacing a Building Sewer, costs of abating a nuisance pursuant to Section 1005 hereof, and costs incurred by the Village to shut off and turn on sewer service.

Section 707. Billing of Sewer Rates and Charges. The Village shall bill in advance and collect all Sewer Rates and Charges on a quarterly basis. The quarterly billing periods shall correspond to the quarters of the calendar year. The Village shall mail each User a bill on or before the 1st day of the month which proceeds the quarterly billing period. Payment of the bill which is rendered by the Village is due and payable on or before the last day of the month preceding the quarterly billing period, but not less than thirty (30) days after the date of mailing. Payment of said bill shall be made at a location designated by the Village. All Users will receive an annual notification either printed on the bill or enclosed in a separate letter which will show the breakdown of the User Charge components for operation, maintenance, replacement and debt retirement.

Section 708. Unpaid Sewer Rates and Charges. If current Sewer Rates and Charges are not paid on or before the due date then a one-time penalty in the amount of ten (10%) percent shall be added to the balance due. Partial payments will be applied first to outstanding penalties, if any, and then to Sewer Rates and Charges.

Section 709. Unpaid Sewer Rates and Charges; Remedies. If Sewer Rates and Charges are not paid on or before the due date, the Village, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may:

- (a) Discontinue the services provided by the System by disconnecting the Building Sewer from the Service Connection, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Village for shutting off and turning on the service, shall be paid to the Village;
- (b) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- (c) Enforce the lien created in Section 710 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or equity.

Under no circumstances shall action taken by the Village to collect unpaid Sewer Rates and Charges, penalties and interest, invalidate or waive the lien created by Section 710 below. Before disconnecting service, the Village shall give thirty (30) days written notice to the User at

the last known address according to the Village records and the Village Tax Assessment Roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

Section 710. Lien. The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Village Clerk shall certify all delinquent Sewer Rates and Charges and penalties thereon, annually, on or before June 1, of each year, to the Village Treasurer, who shall enter the delinquent Sewer Rates and Charges and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises.

Section 711. No Free Service. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 712. Rental Properties. A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a Dwelling Unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Village. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Village thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the User Charge for the preceding four (4) quarterly billing periods. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including penalties. The tenant shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be applicable with respect to the unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Village without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 713. Cancellation of Permits; Disconnection of Service. Applications for connection permits may be canceled and/or sewer service disconnected by the Village for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Sewer Rates and Charges.
- (c) Failure to keep Building Sewers and Control Manholes in a suitable state of repair.

- (d) Discharges in violation of this Ordinance.
- (e) Damage to any part of the System.

Section 714. Security Deposit. If the sewer service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, and penalties, and the turn-on charge has been paid. The Village may, as a condition to reconnecting said service, request that a sum equal to the User Charge for the preceding four (4) quarterly billing periods be placed on deposit with the Village for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including penalties. The User shall immediately make sufficient payment to the Village to reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including penalties. The security deposit shall be held by the Village without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve (12) months.

Section 715. Billing Address. Bills and notices relating to the conduct of the business of the Village will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Village; and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

Section 716. Interruption of Service; Claims. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE VIII REVENUES

Section 801. Revenues; Depository. The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated KENT CITY SEWER SYSTEM RECEIVING FUND and established by separate Village ordinance.

ARTICLE IX
ADMINISTRATIVE APPEALS; BOARD OF APPEALS

Section 901. Board of Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Village Council shall serve as a Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Village President and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.

Section 902. Informal Hearing. An informal hearing before the Village President may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within ten (10) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Village Hall or at such place as designated by the Village President. The Village President shall issue a written statement of his decision within five (5) business days after the informal hearing.

Section 903. Appeals from Informal Hearing. Appeals from the written decisions of the Village President may be made to the Village Council, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Village President and with the Board, specifying the ground therefor. Prior to a hearing, the Village President shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the Village President to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

Section 904. Payment of Amounts Outstanding. All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Village. Upon resolution

of any appeal, the Village shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one (1) year's billing unless otherwise directed by court order.

Section 905. Effect of Administrative Action. If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for immediate cease and desist order issued pursuant to this Section.

Section 906. Appeal from Board of Appeals. Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Kent within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (179 P.A. No. 306, MCLA 24.201 et seq.) All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

ARTICLE X ENFORCEMENT

Section 1001. Inspection by Village. The duly authorized representatives, employees or agents of the Village, including, but not limited to, the Inspector, the Village President, the Village's engineer, the Health Department and representatives of MDEQ bearing proper identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. Any Person who applies for and receives sewer services from the Village or owns real property in the Service District shall be deemed to have given consent for all such activities including entry upon that Person's property.

Section 1002. Damage to System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System including the Wastewater Treatment Plant or any Service Connection, or connect or disconnect any Building Sewer to the System..

Section 1003. Notice to Cease and Desist. Except for violations of Section 1002 hereof, any Person found to be violating any provision of this Ordinance 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.

Section 1004. Civil Infraction. Any violation of Section 1002, or any violation beyond the time limit provided for in Section 1003, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted

responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation.

Section 1005. Nuisance; Abatement. Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Village in the furtherance of the public health may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Village for the costs and expenses incurred by the Village in making such repairs or taking such action as a Miscellaneous Customer Fee.

Section 1006. Liability for Expenses. Any Person violating any of the provisions of this Ordinance shall become liable to the Village and their authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Village by reason of such violation.

Section 1007. Remedies Are Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Village.

ARTICLE XI MISCELLANEOUS

Section 1101. Repeal of Conflicts. All ordinances or parts of ordinances in conflict herewith and relating to the Public Sewer System including, without limitation, Ordinance No. 20 adopted on October 9, 1972, Ordinance No. 24 adopted on September 10, 1979, Ordinance No. 25 adopted on September 10, 1979, Ordinance No. 02-93.01 adopted on February 8, 1993, Ordinance No. 25 adopted on March 13, 1996, and Ordinance No. 02-97.01 adopted on February 10, 1997, as amended, are hereby repealed.

Section 1102. Severability. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1103. State and Federal Law Requirements. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

Section 1104. Article and Section Headings. The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

**ARTICLE XII
PUBLICATION AND EFFECTIVE DATE**

Section 1201. Publication. A true copy or a summary of this Ordinance shall be published in The Sparta-Kent City Advance within fifteen (15) days after the adoption of the Ordinance by the Village.

Section 1202. Effective Date. This Ordinance shall be in full force and effect twenty (20) days after its publication as provided by law.

**ARTICLE XIII
AMENDMENT**

Section 1301. Reservation of Right to Amend. The Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided.

APPENDIX I

Table of Unit Factors

USE CODE	OCCUPATIONAL USE	UNIT FACTOR
1	Single Family Residence	1.0 per Residence
2	Auto Dealers - New and/or Used	1.0 per Premise plus .25 per 1000 Sq. Ft.
3	Auto Repair - Collision - Mechanical	1.0 per Premise plus .25 per 1000 Sq. Ft.
4	Auto Wash - Coin Operated Do It Yourself/ less than 10 Gallons per Car	2.0 per Stall
5	Auto Wash - Mechanical More than 10 Gallons per Car - Not Recycled	10.0 per Stall or Line
6	Auto Wash - Mechanical More than 10 Gallons per Car – Recycled	5.0 per Stall or Line
7	Bakery	1.0 per Premise plus .50 per 1000 Sq. Ft.
8	Banks/Savings & Loan	1.0 per Premise plus .25 per 1000 Sq. Ft.
9	Banquet Halls	1.0 per Premise plus .50 per 1000 Sq. Ft.
10	Barber Shops	1.0 per Premise plus .10 per Chair (for More than 2 Chairs)
11	Bars – Taverns	1.0 per Premise plus .05 per Seat
12	Beauty Shops	1.0 per Premise plus .1 per Booth
13	Bowling Alleys - No Bar	1.0 per Premise plus .2 per Alley
14	Bowling Alleys - with Bar	1.0 per Premise plus .2 per Alley plus .05 per Seat
15	Churches	0.01 per Seat
16	Cleaners - Pick up Only	1.0 per Premise

17	Cleaners - with Cleaning and Pressing Facilities	1.0 per Premise plus .5 per 500 Sq. Ft.
18	Clinics - Medical and Dental	1.0 per Premise plus .25 per 1000 Sq. Ft.
19	Convalescent and Boarding Homes	1.0 per Premise plus .25 per Bedroom
20	Convents	1.0 per Premise plus .25 per Bedroom
21	Country Clubs and Athletic Clubs	1.5 per 1000 Sq. Ft. of Clubhouse plus Additional Units for Restaurant And/or Bar per Unit Factor
22	Day Care Centers	1.0 per Premise plus .25 per 100 Sq. Ft.
23	Drug Stores	2.0 per Premise
24	Factories - Dry Industrial Work	1.0 per Premise plus .25 per 1000 Sq. Ft.
25	Fraternal Organizations	1.0 per Premise plus .25 per 1000 Sq. Ft.
26	Funeral Homes - Without Residence	1.5 per Premise
27	Grocery Stores - Super Markets, Party Stores	1.0 per Premise plus .25 per 1000 Sq. Ft.
28	Gyms	1.0 per Premise
29	Home Occupations	1.0 per Premise
30	Hospitals	1.1 per Bed
31	Hotels and Motels	1.0 per Premise plus .25 per Room
32	Industrial Wet Processing Works	1.0 per Premise plus .5 per 1000 Sq. Ft
33	Laundry - Self Serve	1.0 per Premise plus .25 per Washer or Extractor
34	Mobile Homes	1.0 per Home

35	Mobile Home Parks or Subdivisions	1.0 per Pad or Site plus Additional Units for Office-laundry and Community Building per Unit Factor
36	Multiple Family Residences/Duplex/Row Houses/Apartment	1.0 per Dwelling Unit
37	Professional Offices	1.0 per 1000 Sq. Ft.
38	Public Institutions/Library/Fire Dept/Museums	0.75 per 1000 Sq. Ft.
39	Restaurants	0.05 per Seat
	(a) Fast Food - Inside Seating	0.05 per Seat
	(b) Fast Food - Take out Only	1.0 per 1000 Sq. Ft.
40	Schools	
	(a) No Cafeteria - No Pool – No Showers	1.0 per Classroom
	(b) with Cafeteria - Pool – Showers	1.75 per Classroom
	(c) with Cafeteria – Showers	1.5 per Classroom
	(d) with Cafeteria - No Pool - No Showers	1.25 per Classroom
	(e) Bus Garages	1.0 per 1000 Sq. Ft
	(f) Administrative Office If Separate Structure	1.0 per 1000 Sq. Ft.
41	Service Stations - Convenience Stores	2.0 per Premise
42	Shopping Malls	1.0 per Premise plus .05 per 1000 Sq. Ft of Common Area plus Additional Units for Each Retail Store per Unit Factor
43	Snack Bars	0.05 per Seat
44	Retail Stores	1.0 per Premise plus .1 per 1000 Sq. Ft.
45	Theater - Drive Ins	0.04 per Car Space
46	Theaters - Walk Ins	0.04 per Seat
47	Post Offices	1.0 per 1000 Sq. Ft.

48	Rooming Houses	1.0 per Premise plus .25 per Bedroom
49	Swimming Pools - non Residential	3.0 per 1000 Sq. Ft. of Pool Area
50	Warehouse and Storage Facility	0.2 per 1000 Sq. Ft.
51	Veterinary Office	1.0 per 1000 Sq. Ft.
52	Veterinary Office with Kennels	1.0 per Premise plus .5 per Five Kennels

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