



NOTICE:

ROMULUS CITY COUNCIL

SPECIAL MEETING – STUDY SESSION

Monday, June 10, 2024

The Romulus City Council will hold a Special Meeting – Study Session on **Monday, June 10, 2024, at 6:00 p.m.** in the Romulus City Hall Council Chambers located at 11111 Wayne Road, Romulus, MI 48174, for the purpose of discussing amendments to the Water & Sewer Ordinance.

The Special Meeting-Study Session Agenda is as follows:

1. **Roll Call**
2. **Agenda**
3. **Discussion: Amendments to Ch. 62, Article IV, Sec. 62-357 thru Sec. 62-369, Romulus Code of Ordinances**
4. **Public Comment**
5. **Adjournment**

Ellen L. Craig-Bragg, City Clerk
City of Romulus

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCL 15.263a et. seq., and the Americans with Disabilities Act. (ADA).

THIS IS AN OPEN-SESSION MEETING

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to participate in the meeting effectively should contact the City Clerk or send an email by 12:00 p.m. the day of the meeting to request assistance at:

Ellen L. Craig-Bragg, City Clerk, 11111 Wayne Rd., Romulus, MI 48174, (734) 942-7540,
clerk@romulusgov.com



City Council Special Meeting

Study Session Agenda

June 10, 2024

6:00 PM

1. Roll Call
2. Agenda - Motion to accept Study Session Agenda as presented
3. Discussion: Amendments to Ch. 62, Article IV, Sec. 62-357 thru Sec. 62-369, Romulus Code of Ordinances
4. Public Comment
5. Adjournment - Motion to adjourn the Special Meeting



MEMORANDUM

To: Honorable City Council

From: Ellen L. Craig-Bragg, City Clerk

Cc: D'Sjonaun Hockenhull, Deputy City Clerk

Date: June 6, 2024

Re: Special Meetings

There are three (3) special meeting scheduled for Monday, June 10, 2024:

- | | | |
|---------------------|-----------------------|------------------------------------|
| 1. 6:00 p.m. | Study Session | Water & Sewer Ordinance |
| 2. 6:45 p.m. | Public Hearing | Street & Alley Vacation |

STEPHEN J. HITCHCOCK
DIRECT DIAL: 248.457.7024
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John A. Anderson
Peter J. Bill
Michael L. Bosnic
Robert A. Bryant
Thomas P. Cavanaugh
Kenneth B. Chapie
Anthony K. Chubb
John C. Clark
Travis M. Comstock
George A. Contis
Kellie S. DeVito

Samantha S. Faulkner
Elizabeth A. Favaro
Kara S. Ferrara
Timothy D. Finegan
John R. Fleming
Anne Gabbert
John J. Giarmarco
Julius H. Giarmarco
Bruce W. Haffey
Lindsay P. Hazen
William H. Heritage, III

Stephen J. Hitchcock
William H. Horton
Keela P. Johnson
Salvatore J. LaMendola
Alexander Lebedinski
Victoria S. Lehman
Adam Levitsky
Ryan P. McNeil
Christopher D. Messing
John L. Miller
Karie Miller

Robert A. Mills
Timothy J. Mullins
David A. Occhiuto
Ryan L. Perry
Dennis M. Rauss
James Y. Rayis
Annabel F. Shea
Kathleen A. Stearns
Lauren M. Studley
Paul A. Thursam
Jared M. Trust

Geoffrey S. Wagner
Donald K. Warwick
Matthew S. Weaver
Richard A. Wojewoda
LeRoy H. Wulfmeier, III

Of Counsel:
David G. Gorceyca
Albert Taylor Nelson, Jr.
Peter J. Sarkesian
Lawrence F. Schiller

June 5, 2024

**CONFIDENTIAL ATTORNEY-CLIENT
COMMUNICATION SUBJECT TO PRIVILEGE**

Council Members
City of Romulus
11111 Wayne Road
Romulus, MI 48174

RE: Water and Sewer Ordinance

Dear Members of City Council:

You have a study session scheduled for June 10, 2024, to review proposed changes to the City Code of Ordinances Sec. 62 related to water and sewer service. As indicated in Maria Farris' memorandum, the changes are to address the readiness to service charge rate method previously adopted by Council, and to update procedures in the ordinance which are highlighted in red of which a summary as follows:

- (1) The term, Downriver Utility Water Authority (DUWA) and Great Lakes Water Authority (GLWA) were added since these entities had different names when the ordinance was first adopted;
- (2) The ordinance had many references to amounts to be charged but did not state the method of determining the charge or was not consistent in the language. The language "in the City fee schedule by Council by resolution from time to time" has been inserted in many locations in the ordinance;
- (3) Some of the language was deleted because it is not relevant when the "readiness to service charge" method is used to determine rates;
- (4) Section 62-361 increased the penalty for reconnecting service illegally after service was terminated by the City. The special service charge established by Council is tripled; and
- (5) Section 62-369 added "negligently" for parties who destroy City sewer and water systems. In some cases, it is difficult to establish damage it was "willfully destroyed" and the cost of repair or replacement of the equipment is added as a cost to the party who causes the damage.

Council Members Ltr
RE: Water and Sewer Ordinance Changes
June 5, 2024
Page 2

Very truly yours,

GIARMARCO, MULLINS & HORTON, P.C.

A handwritten signature in black ink, appearing to read "Stephen J. Hitchcock", written in a cursive style.

Stephen J. Hitchcock
City Attorney

cc: Mayor, Robert McCraight, Julie Wojtylko, Maria Farris, Ellen Craig-Bragg



MEMORANDUM

DATE: May 15, 2024

TO: Ellen Craig-Bragg, Clerk

FROM: Maria Farris, Finance Director

SUBJECT: Amendment to Code of Ordinances: Chapter 62-Water and Sewer System
Article IV. Combined System; Sec. 62-357 – Sec. 62-369.

Attached is the amended ordinances that have been recommended by the Finance Department and prepared by the City Attorney, Steve Hitchcock.

The proposed language changes and amendments are necessary to align with the Water and Sewer Rate study that was completed by Plante Moran in FY23. The changes will address questions relating to the “readiness to service charges” and other updates needed for the ordinance to match City policies. I have attached a copy of the redlined version for your reference along with the updated clean version.

If you should have any questions or require any additional information prior to the meeting please feel free to contact me.

Sincerely,
Maria Farris
Finance Director
City of Romulus



ARTICLE IV. COMBINED SYSTEM

Sec. 62-357. Definitions.

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

Acreage alternative means a per acre charge to a customer who, by the nature of his business, shall construct upon or improve one or more buildings which are designed to provide water or sewer services to acreage surrounding or contiguous to the place or parcel of land upon which such buildings or structures are located. Where the acreage alternative applies, all acreage, presently owned or subsequently acquired, adjoining the original parcel of land, whether paved, filled, graded or surfaced with gravel, concrete, asphalt or which is otherwise improved shall be included within the scope of water and sewer charges.

Acreage alternative rates and charges means debt service and capital improvement charges applicable to either both water and sanitary installation. These rates and charges apply in all cases where acreage is designed to function as a unit or under central ownership or central and common authority.

Administrative charge means a supervisory overhead factor imposed as a one-time charge to be established by council by resolution from time to time for ~~each water and sewer installation~~ water and sewer services.

City water system means the totality of all water mains and lines now in existence or hereafter acquired and constructed within the city together with all present or future works, instrumentalities and properties used or designed for use in the obtaining of a water supply or the distribution thereof.

Contract payments means the payments required to be made by the city to either ~~DUWA the board of county road commissioners~~ GLWA, or the county board of public works under the provisions of any contract now or hereafter entered into by the city to provide for the maintenance of the present water and sewerage facilities or the construction of new facilities to accommodate future needs.

Delinquency payments and interest are defined as follows: Delinquent penalty is a single charge in an amount set forth in the City fee schedule by Council by resolution from time to time ~~this article reasonably~~ calculated to reimburse the city for extra clerical and bookkeeping services necessitated for repeated billings. Interest is a computation of a fixed rate of interest on a delinquent water and/or sewer account, or a delinquency in payment of installation or other charge imposed by the city.

Disconnection or discontinuance charges shall include charges for nonpayment of water and sewer service and/or the charges for plugging, disconnecting and/or discontinuing water or sewer services at the mains which amounts will be determined in the City fee schedule by Council by resolution from time to time.

Meter deposit is a deposit with the city of a specified sum to ensure the safekeeping and return to the city of a hydrant or water meter. Such deposit may be applied to any outstanding indebtedness of the user to the city for any water and/or sewer service.

Meter installation charge is a specified sum required to cover the cost of the installation of a water meter.

Readiness to service charge is *Sewage disposal rates* that are rates fixed by this article for the use of sanitary sewers established by a formula contained in this article. The revenue generated by the collection of these rates shall be applied for the purposes as set out in section 62-362.

Sewage disposal system means the totality of all sanitary sewers now in existence in the city or hereafter acquired or constructed herein, together with all present or future works, plants, instrumentalities and properties

used or designed for use in the collection, treatment and/or disposal of sewage including the Downriver Utility Wastewater Authority (DUWA) and the Rouge Valley System.

Sewer debt charges are those charges imposed upon customers requiring a tap into the sewer system of the city. The funds generated from these charges shall be applied to retire outstanding sewer indebtedness incurred by the city in original construction and equipping of plants, mains, laterals, rights-of-way, or any other item of indebtedness incurred directly or indirectly in those capital improvements required to furnish sewer service to customers within the city. The term "sewer debt charges" shall also include the costs of replacement, repair or extension of equipment to additional areas within the city.

~~*Sewer maintenance service charge is a specified sum required by all customers connected to the sewer system, to cover the cost of repairs and maintenance as necessary.*~~

User means any premises connected with and using or able to use any of the facilities of the water and sewer system.

Water and sewage system means the city water system and the sewage disposal system combined for operational purposes into a single system as hereinafter provided.

Water consumption fees and charges are defined as those monthly or bi-monthly quarterly charges imposed by the city for the water usage plus ~~all sewage debt service and/or capital replacement charges included in such~~ periodic billing by the city.

Water debt charges are defined as those charges imposed by the city to retire outstanding water indebtedness incurred by the city in the original construction and equipping of plants, mains, laterals, rights-of-way, or any other item of indebtedness incurred directly or indirectly in those capital improvements required to furnish water to customers within the city. The term "water debt charges" shall also include the costs of replacement, repair or extension of capital equipment to additional areas within the city.

Water rates and charges shall include any and all water tap fees, water debt service charges, including fees for water consumption, meter installation charges, discontinuance and/or disconnection fees or charges, recommencement or repair charges, administrative charges, delinquent penalties interest or charges, hydrant use charges and hydrant meter charges and readiness service charges.

Water and/or sewer service installation charges are defined as those charges to a customer consisting of accumulative total of scheduled installation charges for water and/or sewer service, meter deposit charges and administrative charges incident to the original installation of water and/or sewer service. Such charges shall include the cost of installing service from the main selected by the city to the property line of the customer.

(1971 Comp., Ch. VIII, Art. 1, § 1; Code 1999, § 37-16; Ord. of 7-7-1987; Ord. of 5-3-1999, § 2)

Sec. 62-358. Combined water and sewer system.

The city water system and sewage disposal system shall be operated by the city as one combined system to be known as the "water and sewer system." The operation thereof shall be on a public utility basis as authorized by law.

(1971 Comp., Ch. VIII, Art. 1, § 2; Code 1999, § 37-17)

Sec. 62-359. Management of combined system.

- (a) The water and sewer system shall be under the management, supervision and control of the department of public works. The department shall have the power to promulgate rules and regulations relating to the use of the water and sewer system subject to the prior approval by the Mayor resolution of the city council.

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- (b) The director of water and sewer billing shall be responsible for the billing and account process based upon data supplied by the director of public works.
 - (c) The city treasurer shall be responsible for the collection process based on data supplied by the director of public works and the director of water and sewer billing.
 - (d) A water and/or sewer application must be made prior to construction of the concerned building.

(1971 Comp., Ch. VIII, Art. 1, § 3; Code 1999, § 37-18)

Sec. 62-360. Fiscal year.

The fiscal year of the water and sewer system shall commence on July 1 of each year and end on the following June 30.

(1971 Comp., Ch. VIII, Art. 1, § 4; Code 1999, § 37-19)

Sec. 62-361. Rates and charges; billing and collection; liens and remedies.

- (a) The rates and charges for the services and benefits provided by the water and sewer system shall be established by resolution of council from time to time subject to 62-405 and 406.
- (b) The ordinary, periodic charges for water and sewer service shall be billed to each customer on a regular basis to be determined by the director of water and sewer billing.
- (c) All bills for water and sewer service to the user shall be paid within 21 days from the postmark date of billing. For all water and/or sewer bills not paid during the period allowed for payment, a collection charge which shall be ~~established by~~ determined in the City fee schedule by Council by resolution ~~of council~~ from time to time shall be added for each billing period that the bill remains unpaid. Failure to receive a bill duly issued by the city does not relieve the responsibility of a penalty for nonpayment.
- (d) The city shall be empowered to enforce payment of all rates and charges of every description for water and sewer use, installation or debt service or otherwise by shutting off the water supply to the user after notice and the expiration of a 21-day period. If water or sewer service is delinquent, a special service charge, as may be ~~determined in the City fee schedule~~ established by ~~C~~council by resolution from time to time, shall be imposed. If, after each discontinuance, services are reinstituted by any person other than city personnel on behalf of the city, this special service charge shall be ~~tripled~~ doubled and assessed for each instance including uses of new construction.
- (e) Rates and charges of every description including, but not limited to installation charges, penalties, debt service and capital replacement charges and rates and charges for water and sewer usage shall constitute a lien upon the property served.
- (f) Any payment received that is deemed fraudulent is subject to immediate termination of services without notification. Restoration of services will follow the same procedure as the water department's bad check policy.

(1971 Comp., Ch. VIII, Art. 1, § 5; Code 1999, § 37-20; Ord. of 7-7-1987; Ord. of 5-3-1999, § 2; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-362. Revenue; budgets; maintenance of separate funds; payment of sewer and water indebtedness.

The gross revenues of the water and sewer system derived from the collection of the rates and charges imposed by this article shall be set aside as collected in a bank duly qualified to do business in the state, as designated by the city council, in a fund to be designated the water and sewer system operating fund hereinafter referred to as "operating fund," such revenues so deposited to be transferred from the operating fund periodically in the manner, at the time, and in the order of priority herein set forth:

- (1) Out of the revenues in the operating fund, all operations, maintenance, repair, debt, and infrastructure costs shall be paid.
- (2) There shall next be established and maintained a separate fund designated "contract payment fund," the monies from time to time on deposit herein to be used for the purpose of making the contract payments and retirement of bond indebtedness. Out of revenues remaining in the receiving fund after provision has been made for current expenses of operation and maintenance of water and sewer system, there shall be set aside on the first day of each quarter into the contract payment fund sufficient monies to pay contract payments, including principal and interest, due or becoming due and payable within the next 12 months.
- (3) Monies in the several funds established pursuant to the provision of this article may be invested and reinvested in the United States government obligations or in evidences of indebtedness of a bank or banks insured by the federal deposit insurance corporation and designated by the city council. Investment of monies in the contract payment fund shall be deposited in government obligations bearing maturity dates not later than the date prior to the date of the next due contract payment.
- (4) The department of public works and the finance department shall annually submit to the mayor separate proposed budgets to cover the foregoing expenses, contract payments and debt retirements for the forthcoming year.
- (5) There may be established from time to time by council resolution a water and sewer reserve escrow account, which shall be funded by a deposit which may be established by resolution of council from each 1,000 cubic feet of water accounts and from each 1,000 cubic feet of sewer accounts.
- (6) The funds accumulated in the water and sewer escrow account shall not be expended, transferred or otherwise distributed except by ordinance of the city council.
- (7) There may be ~~established-determined from time to time~~ by the City fee schedule by Council by resolution from time to time a water and sewer loan repayment escrow account. The water and sewer repayment escrow account shall be funded by a deposit which may be established ~~by resolution of council from time to time from for~~ each 1,000 cubic feet of water accounts and from each 1,000 cubic feet of sewer accounts.
- (8) The funds accumulated in the water and sewer loan repayment escrow account shall not be expended, transferred or otherwise distributed except by ordinance of the city council.

(1971 Comp., Ch. VIII, Art. 1, § 6; Code 1999, § 37-21; Ord. of 7-7-1977; Ord. of 7-7-1986; Ord. of 5-3-1999, § 2; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-363. Accounting; audit.

- (a) The city shall cause to be maintained and kept proper books or records and accounts, in which shall be made full and correct entries of all transactions relating to the water and sewer system. Such books shall be

substantially in conformity to the uniform system of accounts as prescribed by the state public service commission and the Uniform Budget and Accounting Act (MCL 141.421 et seq.).

- (b) No later than six months after the close of each fiscal year, the city shall cause to be prepared detailed statements of income and disbursements of the water and sewer system during the fiscal year, together with such other information as may be necessary to fully inform the bondholders and the taxpayers of the city of the fiscal operation and financial position of the system. Such statements shall be filed and available for inspection in the office of the city clerk.
- (c) Such statements shall be audited annually by a certified public accountant selected by the city council, and a copy of such audit shall be filed with the city clerk.

(1971 Comp., Ch. VIII, Art. 1, § 7; Code 1999, § 37-22; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-364. No free service.

- (a) No connection shall be made to any of the facilities of the water and sewer system otherwise than as prescribed by ordinance. No free service shall be given to any person, firm, or public or private corporation.
- (b) Water and/or sewer rates shall hereafter be automatically adjusted to reflect all increases and decreases passed to the city ~~effective July 1, 1983~~, by the city's wholesale water distributor and/or the county board of public works, as provided in 62-405 and 406, however, that notice shall be served by the city clerk upon the mayor, the city council and notification to the public by publication in the official city newspaper.

(1971 Comp., Ch. VIII, Art. 1, § 8; Code 1999, § 37-23; Ord. of 9-27-1983; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-365. Water rates and charges.

- (a) *Generally.* All rates and charges for services rendered and water supplied by the water system shall be assessed against, and payment thereof shall be collected from each user served or supplied upon the following basis:
 - (1) *Service meters.* Every customer or other user of water service of the city will pay for such services and/or have the same assessed against the real property served on the basis of metered charge determined by a water meter to be installed by the city.
 - (2) *Water consumption rate.* The water consumption rate shall be determined in the City fee schedule by established by Council by resolution from from time to time ~~by resolution~~.
 - (3) ~~Meter~~Readiness to *service charges.* In addition to water consumption charges provided in subsection (a)(2) of this section, a readiness to serve meter service charge as may be established by council ~~by resolution~~ from time to time shall be charged to all customers as provided in 62-405 and 406.
 - (4) *Water service prior to installation of a meter.* Should the city, for any reason, including unavailability of meters, or scheduling of installation, be unable to install the water or meters required for the service of a premises, a temporary connection may be made, whereupon a daily charge as may be ~~established by~~ determined by the City fee schedule by Council by resolution from time to time, will be charged for each unit making use of the temporary connection.
 - (5) *Connection and disconnection/reconnection charges.* There shall be a charge for any connection, disconnection, or reconnection of water facilities as determined in the City fee schedule may be established by Council by resolution from time to time ~~by resolution~~.

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- (6) *Meter installation charge.* At the time of application for tap, a service charge as may be determined ~~in by the City fee schedule by Council~~ by resolution from time to time shall be required to cover the cost of installation of the meter.
- (7) *Hydrant deposit.* Permission for temporary use of the water system through a public fire hydrant can be obtained upon application to the water and sewer department. Hydrant meters with backflow preventers must be used and must be obtained from the department of public works. Title to the meter designed from hydrant use will be retained by the city. At the time of application for a hydrant meter, a deposit shall be paid to the city treasurer to secure the maintenance, good repair, and safe return of the hydrant meter and backflow preventer upon conclusion of its use by the applicant. The amount of the deposit shall be ~~determined set forth in the fee schedule established in the City fee schedule~~ by Council by resolution from time to time. Upon the safe return of the hydrant meter the user thereof shall be entitled to the return of the deposit less any outstanding indebtedness of the user to the city for water and/or sewer service.
- (8) *Hydrant water consumption charges.* Persons using public fire hydrants for private use shall pay a water consumption charge, which charge shall be the same as the current water rate and the current commercial sewer rate, if applicable.
- (9) *Hydrant installation charge.* Should the department of public works install the meter, a charge will be ~~assessed as may be established by~~ established as set forth in the fee schedule established in the City fee schedule by Council by resolution from time to time. When the user installs the meter, the department of public works shall inspect the installation of the meter and backflow preventer.
- (10) *Hydrant use charge.* Any person using one or more public fire hydrants for private use shall pay a hydrant use charge in addition to the water consumption charge as may be established by resolution of council from time to time.
- (11) ~~*Water fixed charges.* Should any entity from which the City of Romulus obtains water for provision of water service, impose upon the City of Romulus any fixed monthly charge or other charge, every customer and other user of water service of the City of Romulus shall pay a share of any and all such charges in an amount established by council resolution from time to time. The share of such charges paid shall be based upon the size of the water meter (measured in inches), with larger shares (and thus higher charges) for larger meters.~~
- (b) *Water debt charges.* To provide for contract payments and adequate reserves for the replacement, repair, maintenance and extension of water service within the city and for the erection of any plants and/or facilities incident thereto, the water debt charges shall be paid as follows:
- (1) For each single-family residence constructed upon land then owned by the proposed occupant, a sum as may be ~~established as set forth in the fee schedule established in the City fee schedule by Council by resolution from time to time determined from time to time by resolution of council~~, shall be payable in one lump sum at the time of application. Upon the transfer in ownership, the seller shall pay the balance of the debt service charge in full at or before the time of closing and the entire debt service of every residence constructed under this section will become a lien upon the land. For any nonresident of the city connecting, the charge shall be payable at the time of application. For each single-family residence constructed as part of a subdivision or development for the purpose of resale, the charge shall be payable at the time of application.
- (2) For each single-family residence constructed as part of a subdivision or development or for the purpose of resale; for each unit of an apartment housing project; for each pad in the mobile home park; for each commercial establishment in a shopping center or other commercial, industrial or school facility; and for each unit in a hotel or motel, any developer or owner of such residential unit, apartment unit, mobile home pad, commercial, industrial or educational facility, hotel or motel facility, including laundry units, public bathrooms, and bath units, must pay a water debt charge as may be

established as set forth in the fee schedule established in the City fee schedule by Council by resolution from time to time from time to time by resolution of council for each unit.

- (c) *Water service installation charge.* Service connection no greater than 120 feet from the main to the property line of each customer will be installed by the city at the rates established by resolution of council from time to time. The fees paid at the time of application will be honored for six months. If the water/sewer connections have not been performed within six months, any additional cost will have to be paid or the fees will be refunded. Charges for taps longer than 120 feet and/or larger than two inches shall be fixed at cost plus an administrative charge under the control of the director of the department of public works.
- (d) *Standby fire line charge.* Where standby service is provided, a monthly fire line charge as may be established in a fee schedule by Council by resolution from time to time will be charged.
- (e) *Meter testing charge.* An amount as may be established in a fee schedule established from time to time by resolution of Council will be assessed for any meter tested. Should the meter prove to be defective, resulting in over-charge, no charge will be made to the property owner. E-coder I printouts will be an amount as may be established from time to time by resolution of council.
- (f) *Meters: installation, control and ownership.* Water meters will be owned, installed, controlled and maintained by the city. Where meters previously installed are damaged by the negligence or willful conduct of customers, their agents, employees, contractors or other persons permitted by them to be on the premises, or in any case where a meter is damaged, destroyed or stolen by unknown persons, the owner of the premises serviced by such meter shall bear the costs or repairs or the amount of damage, or the replacement costs if such meter cannot reasonably be repaired.
- (g) *Repair or breaks in service lines.* If breaks occur in the service lines of the water and sewer system, the city shall be responsible for the repair of such breaks from the main to the property line of the owner. If such break occurs between the property line of the owner and the connection to the premises, the owner of such premises shall be responsible for the cost of repair of the break in the main.

(1971 Comp., Ch. VIII, Art. 1, § 9; Code 1999, § 37-24; Ord. of 5-3-1999, § 2; Ord. of 10-1-2001, § 1; Ord. of 9-7-2010; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-366. Sewer rates and charges.

- (a) *Generally.* The rates and charges for services rendered by, and the benefits derived from, the sanitary sewer system, shall be assessed against, and payment for such services shall be collected from each user served on the following basis:
 - (1) *Sewage disposal rate.* The sewage disposal rate shall be determined by fee schedule by resolution of Council from time to time.
 - (2) *Sewage service only.* For any user connected with the sanitary sewage disposal system who has no water connection, a special rate shall be determined in the City fee schedule by Council by resolution from time to time.
 - (3) *Connection, disconnection, and re-connection charges.* There shall be a charge for any connection, disconnection or re-connection of sewer facilities. Such charge will be computed on the basis of the actual cost to the city and established by fee schedule by resolution by Council from time to time.
- (b) *Sewer service installation charge.* All connections to any of the sewers of the sewer system shall be made by the department of public works or a qualified contractor, except as hereinafter provided. At the time a sewer service installation is requested, the following installation charge shall be paid. Such charges are to be paid prior to the installation.

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- (1) The basic service installation charge for up to a six-inch diameter connection shall be an amount established by fee schedule by resolution of Ccouncil from time to time.
 - (2) The charge for all sewer service installations larger than six inches in diameter, irrespective of its intended use, shall be in an amount as may be determined by fee schedule established by Ccouncil by resolution from time to time.
 - (3) All taps other than those outlined in subsection (b)(2) of this section shall be catalogued into one of the following categories and indicated on a set of master sanitary sewer plans which shall be maintained on file in the department of public works. The categories and charges shall be as follows:
 - a. A city-operated sanitary sewer is available to the premises in question and a sewer service installation will be provided to the nearest available property line to the sewer by the city for basic sewer service installation charge except in those cases where the provision of subsection (b)(2) of this section applies.
 - b. A city-operated sanitary sewer can be made available to the premises in question when the following criteria for eligibility to receive sewer services installation are met:
 1. An available sewer main must be located within 120 feet of any property line of a proposed new customer or user; providing, however, if it should be necessary to bring the existing sewer line across any hard surfaced road (defined as asphalt and/or concrete) over 24 feet in width, then the service shall only be provided at the sole expense of the affected property owner.
 2. The available main must have adequate capacity to accommodate the increased flow which will result from the proposed sewer service installation.
 3. If the available sewer main is of inadequate depth, then it shall be the responsibility of the proposed customer or user to submit engineering detail of a proposed lift station and/or other information to the department of public works demonstrating the acceptability of the proposed tap. In such event, the cost of engineering or equipment required shall be paid in advance by the proposed customer or user.
 - c. A sanitary sewer operated by an agency other than the city can be made available to the premises in question, provided the necessary permits can be obtained from the agency. However, such connection was not anticipated in the development of the city's sewer program or the establishment of the sewer service installation charge: therefore, the charge for such an installation shall be in an amount as may be established-determined in the City fee schedule by council by resolution from time to time.
 - d. A sanitary sewer operated by either the city or another agency is located in the area. However, due to existing conditions, it is not practical to make a sewer service installation.
 - (4) In those instances where, with the consent of the department of public works, an applicant elects to install the entire sanitary sewer house lead, from the sanitary sewer to the property line at his own expense, the sewer service installation charge may be waived and a special inspection charge as may be established by resolution of council from time to time shall be assessed. The Ccouncil may determine in the City fee schedule by resolution ~~establish~~ from time to time ~~by resolution~~ sewer reconnection inspection charges.
- (c) *Sewer service installation for low income residents.* Upon application by the owner of the residence in question, the water and sewer billing department shall have the power to approve that the sewer service installation charge as authorized in subsection (b) of this section be paid by a down payment which may be established-determined in the City fee schedule by council by resolution from time to time and the

remainder in 20 equal payments commencing with the next regular billing. This action shall not be taken until the water and billing department has found:

- (1) That the applicant and his dependents residing with him do not have a combined average monthly gross income for the past 12 months in excess of the amounts established by council by resolution from time to time.
 - (2) That the applicant is residing in the premises for which the low income resident sewer service installation charge is requested.
- (d) *Sewer debt and capital replacement charges.* In addition to all other applicable charges as specified in this article, the following rates shall be collected from each premises hereafter connecting to any of the sewer lines of the sewer system:
- (1) For each single-family residence making an allowable minimum water connection as approved by the city's public works department, the sewer debt charge shall be determined in the City fee schedule by Council by resolution ~~of council~~ from time to time and payable in one lump sum at the time of application. Prior to the transfer of ownership, the seller shall pay the balance of the debt service charge in full at or before the time of closing and the entire debt service charge of every residence constructed under this section will remain a lien upon the land unless so discharged and otherwise, and chargeable as such to seller and/or buyer. For any nonresident of the city connecting the charge shall be payable at the time of application. For each single-family residence constructed as part of a subdivision or development for the purpose of resale, the charge shall be payable at the time of application.
 - (2) The sewer debt charge, where a water meter is in excess of three-quarter-inch size, shall be payable at the time of application and shall be determined in the City fee schedule by Council by resolution from time to time based upon the size of the water meter.
 - (3) For each unit in a motel, hotel, apartment project or each pad in a mobile home park, there shall be a sewer debt rate charge which shall be determined in the City fee schedule by Council by resolution ~~of council~~ from time to time.
 - (4) Any business, commercial or industrial unit, including schools or any other public facility, shall pay the larger amount of either:
 - a. The amount determined by the meter size in subsection (d)(l)b of this section; or
 - b. The amount determined by multiplying the debt rate for a one-inch water meter times the number of acres up to five acres of the applicant's land as herebefore defined in this article and an additional amount over five acres which may be established by council by resolution from time to time per acre thereafter.
- ~~(e) *Sewer maintenance service charge collected.* In addition to the above specified rates, there shall be collected from users having any connection to the sewer lines of the sewer system, a sewer maintenance service charge in accordance with the following:~~
- ~~(1) For any residence or business unit including commercial, industrial, school or other public facility, served with a three-quarter inch water meter, hereafter connected to the system, the sewer maintenance service charge shall be established from time to time by resolution of council.~~
 - ~~(2) For any residence or business unit, including commercial, industrial, school or other public facility, served with a water meter in excess of three-quarter inch size and connecting to the sewer system, the sewer maintenance service charge shall be an amount as shall be established from time to time by resolution of council.~~

(1971 Comp., Ch. VIII, Art. 1, § 10; Code 1999, § 37-25; Ord. of 7-7-1977; Ord. of 8-9-1977; Ord. of 9-9-1991, § 2; Ord. of 5-3-1999, § 2; Ord. of 10-1-2001, § 2; Ord. of 10-8-2007, § 1; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-367. Mandatory connection to available sewer service.

Each and every residence, business, commercial enterprise, industrial facility, school or other public facility of every type or description hereinafter constructed shall be required to use the sewer services of the city if the same are available within 120 feet of any property line of the proposed customer or user. If any customer or user is or has been disposing of sewage or sanitary waste by septic field, private sewage treatment facility or by any other lawful means whatever, such customer or user shall, within one year after sanitary sewer mains are installed by the city to any point within 100 feet of the property line of such existing resident, business unit, commercial unit, industrial unit, school or other public facility, be required to tap into such newly available sewer facility and shall thereby become liable to the city for any and all charges as contained in this article. The failure, neglect or refusal of any such user of whatever type to effect connection within a period of one year of the availability of such sewer shall be a misdemeanor and in addition thereto, every such user shall immediately become liable upon the expiration of such one-year period for all charges and payments called for by the terms of this article, which charge shall become a lien upon the land to which such sewer service is available whether or not sewer installation actually occurs. Also, the water service may be discontinued to such premises until such connections have been made.

(1971 Comp., Ch. VIII, Art. 1, § 11; Code 1999, § 37-26; Ord. of 5-3-1999, § 2; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-368. Article schedule and rates.

This article and the schedules and rates contained herein or in any schedule attached hereto shall apply to all present and future construction and building and all presently existing structures or uses receiving water and sewer service and the combined system of the city.

(1971 Comp., Ch. VIII, Art. 1, § 12; Code 1999, § 37-27)

Sec. 62-369. Violations constituting misdemeanors.

Should any customer or user make any tap in the water and sewer services of the city without prior application of the city treasurer; should any water or sewer user fail, neglect or refuse to install or permit the installation of a water meter as required herein; should any customer or user use or attempt to use water in a manner not permitted by this article or relevant state statutes; should any person in any manner conceal or attempt to conceal sewer or water use; or should any user negligently or willfully destroy any meter or any portion of the sewer and water system of the city; or should any person fail, refuse or neglect to connect to the sewer system when required herein, the same shall be deemed a misdemeanor and the water department may charge the reasonable costs of the repair or replacement.

(1971 Comp., Ch. VIII, Art. 1, § 13; Code 1999, § 37-28)

Sec. 62-370. Unauthorized connection.

Nothing in this article shall be interpreted to permit connection to a water meter of a size less than that permitted by the department of public works by this article, permit the expansion of existing facilities without application to the city to determine any increased costs, increase in meter size or other requirements calculated to accommodate such increased service and/or ensure the payment of any and all debt service charges, whether water or sewer, contained in this article.

(1971 Comp., Ch. VIII, Art. 1, § 14; Code 1999, § 37-29)

Sec. 62-371. Persons responsible.

In all single-family residential uses, industrial uses or business uses, or in any of the categories or multiple uses, each and every owner of record as shown on the tax rolls shall be deemed responsible for any and all water and/or sewer charges, contract payments, or debt retirement charges, meter charges, disconnection charges, any of the rate deferrals, administrative charges or penalties herein provided. The owner of record, as shown by the tax rolls, shall be notified of such unpaid charges and upon the failure, refusal or neglect of any such owner to pay, within a reasonable time, any and all unpaid charges as herein lawfully charged, the same shall be assessed against the property and shall be a lien thereon as otherwise provided in this article. This notice requirement is fulfilled by sending written notification to the address of the premises in delinquency.

(1971 Comp., Ch. VIII, Art. 1, § 15; Code 1999, § 37-30)

Sec. 62-372. Inaccessible meters and meters from which a reading is not obtainable; estimated billing.

- (a) In cases where the meter reader is unable to gain access to read a meter, the meter is stopped, or a reading is not obtainable for any reason, the city shall issue an estimated billing. The estimated billing shall be a reasonable estimate based on prior usage. There shall be no adjustments made to such estimated billing in the case where the meter is not working.
- (b) Upon issuing such an estimated billing, the department shall notify the customer by mail that the customer must schedule with the department an inspection (and, if necessary, a repair, replacement, and/or relocation) of the meter and that a failure to do so after two written notifications shall result in the service being discontinued.
- (c) In the event more than two consecutive billings lapse without a reading, and the customer fails to make arrangements, satisfactory to the department, for the reading (and, if necessary, the repair, replacement, and/or relocation) of such meter, the service shall be discontinued in the same manner as provided for nonpayment of bills.
- (d) Service shall only be subsequently continued upon the customer's full compliance with the department's requirements for reading, inspection, repair, replacement, and/or relocation of the meter.

(Code 1999, § 37-31; Ord. of 5-3-1999, § 4; Ord. of 9-22-2008, § 2; Ord. No. 2018-002, 12-27-2017)

Sec. 62-373. Water meter obstructions.

Customers or property owners where meters are located within the building shall not cover the meters or place obstructions that may prevent convenient access to the meter at any time by the employees of the water department for the purpose of reading or making repairs.

(Code 1999, § 37-32; Ord. of 5-3-1999, § 4)

Sec. 62-374. Cost of meter pit or meter house.

Where it is necessary to set the meter in a pit or above ground house (Hot Box) meter, such meter pit or meter house shall be built at the expense of the customer as directed by and to the entire satisfaction of the director of the department of public works or his designee. Every meter pit shall have a sump pump installed at the

expense of the customer. The sump pump shall be maintained by the customer so as to prevent water in the pit reaching the meter. The cost of repair or replacement of any meter damaged by high water in the pit shall be charged to the customer.

(Code 1999, § 37-33; Ord. of 5-3-1999, § 4)

Sec. 62-375. Deposit required by lessee.

In all cases where a lease has been legally executed containing a provision that the lessor shall not be liable for payment of water bills, and an affidavit in accordance with Act No. 94 of 1933 has been filed with the department by the owner of the property, the department shall discontinue water service to such premises until there has been deposited with the city a sum sufficient to cover three times the average bill for such premises as estimated by the department, such deposit to be in no case less than three times the minimum shut-off threshold amount. Where the water service to any premises has been terminated to enforce the payment of water service charges, the water service shall not be restored until all delinquent charges have been paid and a deposit, as in the case of tenants, is made. The owner shall give prompt notice of any cancellation, change in or termination of the lease.

(Code 1999, § 37-34; Ord. of 5-3-1999, § 4; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-376. Tax roll.

All unpaid charges for such services furnished to any premises plus an additional fee that may be established by council by resolution from time to time, may be presented to the city assessor who shall place the same on the next tax roll of the city.

(Code 1999, § 37-35; Ord. of 5-3-1999, § 4; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-377. Ordinance violations.

Any person whose premises are supplied with water shall be deemed as having assented to the provisions of this chapter. When any person violates any of the provisions of this chapter the department shall be empowered to disconnect or shut off the water and assessed a service fee as ~~established~~ determined in the City fee schedule by council by resolution from time to time.

(Code 1999, § 37-36; Ord. of 5-3-1999, § 4; Ord. No. 2018-002 , 12-27-2017)

Sec. 62-378. Turning on water shut off by water department prohibited.

No person shall turn on the water from any of the water mains or pipes belonging to the water system of the city except for personnel acting on behalf of the city.

(Code 1999, § 37-37; Ord. of 5-3-1999, § 4)

Sec. 62-379. Removal of curb box for shut off purposes.

If, in the opinion of the director of the department of public works, it is necessary to remove the curb box shut off to prevent use of water in violation of this chapter, the department of public works will remove the curb box forthwith and the cost of such removal, along with the cost of reinstallation of said curb box, shall be charged

against the owner or user of the premises serviced by said curb box, and shall be paid prior to the reinstitution of service.

(Code 1999, § 37-38; Ord. of 5-3-1999, § 4)

Sec. 62-380. Water meter repair and installation.

After the expiration of written notification, the city shall be empowered to enforce the repair or installation of a water meter by shutting off the water supply system.

(Code 1999, § 37-39; Ord. of 5-3-1999, § 4)

Secs. 62-381—62-396. Reserved.

ARTICLE V. SEWER USE, CONNECTION AND EXTENSION

Sec. 62-397. Definitions.

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

B.O.D. (denoting biochemical oxygen demand) means the quantity of oxygen utilized by the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system from the vertical riser most distant from the building sewer to a point five feet from the outside wall of the building, which part receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer or house lead means that part of a drainage system extending from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer receiving both stormwater and sewage.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and the handling, storage and sale of produce.

Industrial wastes means the liquid or colloidal wastes other than sanitary sewage from industrial, commercial or manufacturing processes.

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

pH means the logarithm of the reciprocal of the weight of hydrogen ions expressed in grams per liter of solution.

Properly shredded garbage means 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, and having no particle greater than one-half inch in any diameter.

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

Sanitary sewer means a sewer that carries sewage and to which stormwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwaters, surface waters and stormwaters as may have been combined therewith.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit carrying sewage or stormwater.

Sewerage works or *sewerage system* means all facilities controlled by public authority for collecting, pumping, treating, and disposing of sewage or stormwater.

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

Storm drain or *storm sewer* means any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and uncontaminated industrial wastes.

Stormwater means that part of the rainfall that reaches the sewers as run-off from natural land surfaces, building roofs, pavements or as groundwater infiltration.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering.

Uncontaminated industrial wastes means water that has not come into contact with any substance used in or incidental to industrial processing operations (e.g., unpolluted cooling water).

User means the owner, occupant, or proprietor of any premises connected with and using any of the facilities of the sewer system for the collection and disposal of sewage and other wastes.

Watercourse means a channel through which water or other fluids flow either continuously or intermittently.
(1971 Comp., Ch. VIII, Art. 2, § 1; Code 1999, § 37-103)

Sec. 62-398. Sewer use regulations.

(a) Required use of public sewers.

- (1) It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, except in the pursuit of a normally accepted farming or gardening practice, any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge into any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with this article.
- (3) 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.
- (4) The owners of all houses or other buildings used for human occupancy, employment, recreation or other purpose situated within the city and abutting on any street, alley or right-of-way in which there is now located or shall in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install toilet facilities therein, in conformity with law, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article. If the director of public works and services deems it necessary for reason of public health, a connection shall be made within one year after the date of official notification that the sewer is available; provided that, if a house or building be declared by the city council to be included in a plan of imminent acquisition by

the city or by an agency thereof, the city council may, in such case, extend the time within which a connection be made until the land is acquired, the plan terminated or the further order of the city council; and provided, further, in the case of an imminent public health hazard, a connection shall be made within six months after the date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(b) *Private sewage disposal.*

- (1) Where a public sanitary sewer is not available under the provisions of subsection (a)(4) of this section the building sewer shall be connected to a private sewage disposal system complying with the requirements of the county department of health and any requirements which the city may by ordinance or resolution deem necessary to protect the public health. Temporary use of privies or privy vaults meeting the requirements of the county department of health may be allowed on construction projects with the approval of the city.
- (2) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (3) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (b)(1) of this section a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or other suitable material. The connection is to be made within the time provided in subsection (b)(4) of this section.
- (4) No statement contained in this section shall be construed to conflict with any more stringent requirements that may now or hereafter be imposed by the county department of health or any state regulation.

(c) *Allowable use of the public sewers.*

- (1) No person shall intentionally discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or uncontaminated industrial waste into any sanitary sewer, excepting only a normal amount of groundwater leakage into footing drains occurring after the backfill of the footing drain and sanitary sewer system. If the city determines that an excessive amount of groundwater leakage is entering a footing drain, the director of public works and services shall forthwith notify the user of the property of such determination, and the user shall forthwith abate such excessive leakage in a manner approved by the city. In no case shall excavation for footings or basements be drained into a sanitary sewage system. The house lead and building drain, immediately upon being placed, shall be tightly capped and thoroughly leaded, and all interior stacks and openings shall remain in this condition until the basement floor and walls have been laid to grade and exterior footing excavations backfilled to grade. It is anticipated that this requirement will necessitate the use of a temporary sump from which groundwater will be pumped to proper disposal. It is the intent of this requirement that no sand, clay or foreign matter be permitted to reach the city sanitary sewer system or the connections thereto.
- (2) Stormwater and all other unpolluted drainage shall be discharged upon approval of the city, county drain commissioner and other lawful authorities to such sewers as are specifically designated as storm sewers, or to a natural outlet. Uncontaminated industrial waste may be discharged, upon approval of the city, county drain commissioner and state water resources commission and other lawful authorities to a storm sewer or natural outlet.
- (3) No person shall knowingly discharge or cause to be discharged any of the following described waters or wastes into any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

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- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by reasonably anticipated 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 a hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer;
 - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage to structures and equipment, or creating a hazardous condition for personnel of the sewage works;
 - d. Solid or viscous substances 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, either whole or ground by garbage grinders, in such quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer works.
- (4) No person shall knowingly discharge or cause to be discharged the following described substances, materials, waters, or wastes into any public sewers unless it is determined by the city that such wastes cannot harm the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property or constitute a nuisance:
- a. Any liquid or vapor having a temperature upon discharge higher than 150 degrees Fahrenheit (65 degrees Celsius);
 - b. Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not in excess of 100 milligrams per liter; or containing substances which solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit;
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage shredder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the city;
 - d. Any waters or wastes containing acid iron pickling wastes or concentrated plating solutions whether neutralized or not;
 - e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting 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 city or county board of public works;
 - f. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the city or county board of public works as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction of such discharge to the receiving waters;
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city or county board of public works in compliance with applicable state or federal regulations;
 - h. Any wastes or waters having a pH in excess of 9.5;
 - i. Materials that exert or cause:

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1. Unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
 2. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;
 3. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- j. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment plant 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.
- (5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in subsection (c)(4) of this section, and which in the judgment of the city 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 city may:
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge;
 - c. Require control over the quantities and rates of discharge;
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes and charges.

If the city 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 city.

- (6) Grease, oil and sand interceptors shall be provided when it is determined by the city that they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of a type and capacity approved by the city and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (7) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (8) When required by the city, the user 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 as to facilitate observation, sampling and measurement of the wastes. Such a manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for, or

upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which a building sewer is connected.

- (10) Nothing contained in this section shall be construed as preventing any special agreement or arrangement between the city council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment and indemnity therefor, by the industrial concern.

(1971 Comp., Ch. VIII, Art. 2, § 2; Code 1999, § 37-105)

Sec. 62-399. Building sewers and connections.

- (a) *Permits and connection requirements.* No person shall lay, alter or repair any building sewer or house lead, or make any connections whatsoever with any lateral sewer, trunk sewer, or building drain or do any kind of work connected with the laying of building sewers or house leads or make any repairs, additions or alterations to any drain or sewer connected with or designated to be connected with the sanitary sewer system without first obtaining a written city permit therefor.
- (1) Application for permit shall be made on the application forms furnished by the division of water and sewer of the department of public works and services. All applications for permit, other than a homeowner's permit, shall be made by a contractor who is registered with the city and who is bonded and insured to perform such water/sewer work; such bond and insurance to be as provided in subsection (b)(2) of this section. Each application for a permit shall be assessed an application and inspection fee to defray the cost of processing the application and the subsequent inspections of construction or installation. Should conditions require more than two inspections or should a full-time inspector be required, an additional inspection fee will be charged for all additional time, over and above the normally anticipated two inspections. In the case of commercial, multiple dwelling or industrial developments, a review fee may be charged if the complexity of the waste disposal facilities warrant specific review of the details and plans by the division of water and sewer.
- (2) Application for a permit by a homeowner shall be made on the homeowner's permit form furnished by the city. Homeowners who are not contractors registered to do work in the city may obtain a permit for the laying of building sewers or house leads on premises occupied or to be occupied by the applicant as his residence upon payment of the application and inspection fee and the filing of the proper application forms; provided that the applicant obtains a bond in the amount of \$5,000.00 as a financial guaranty for any damage and complies with the other provisions of this article, including, but not limited to, the payment of any additional inspection or review fees, the connection and laying of the building sewer in accordance with the rules and regulations of the division of water and sewer and the department of public works and the final inspection and approval of the building sewer prior to the covering of the installation.
- (3) The application and inspection fee, the additional inspection fee and the review fee shall be prescribed from time to time by resolution of the city council.
- (4) In addition to the application and inspection fee, the additional inspection fee and the review fee all applicants for a sewer connection permit shall be required to pay the applicable capital charge, front-foot charge, connection charge and any other charge provided by city ordinance or determined in the City fee schedule by Council by resolution from time to time~~by subsequent resolution of the city council.~~
- (5) No openings shall be made into the sewer system without first obtaining a sewer connection permit as specified under subsections (a)(1) and (2) of this section. The removal of the cookie or stopper or any

other type of connection to the sanitary sewer system shall be performed only in the immediate presence of the department of public works and services inspector. Upon failure to comply with this requirement, the contractor or any other person responsible for the work shall be served with a notice of violation as provided for under sections 62-403 and 62-404. Any contractor who shall knowingly neglect or refuse to comply with the requirements of this article, other rules and regulations hereinafter established or with the conditions of the permit shall be subject to the immediate revocation of his registration by the city, in addition to the other penalties set forth in this article. Any violation by agents, servants or employees of a contractor under the terms of these regulations shall be deemed to be a violation by the contractor in whose name the permit is issued.

- (6) It shall be unlawful for any person, performing work under a permit for the laying of building sewer, to cover any portion of a building sewer until such time as it has been inspected and approved by the department of public works inspector or his authorized agent. Such person shall give the city written notice when the work is ready for inspection and shall leave the premises in a condition convenient for inspection by the inspector. The licensee shall remove and replace all rejected work, restore all public streets and alleys to a similar condition as existed prior to excavation, and shall make all adjustments necessary to fully meet the requirements under this article, other rules and regulations hereinafter established and the conditions of the permit to the reasonable satisfaction of the city.
- (7) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of these regulations.

(b) *License, insurance and bonds.*

- (1) Each person or company other than a homeowner applying for sewer connection permits shall be registered with the city. This registration shall contain the following information:
 - a. The legal name of the person or company;
 - b. The type of ownership of the company;
 - c. The principals of the company;
 - d. The legal address and business phone number of the person or company;
 - e. The name, address and state plumbing license number of the principal licensed master plumber in the company;
 - f. The name, address and phone number of an individual in responsible charge who can be contacted in the event of an emergency on the project.
- (2) Each person or company acting as principal contractor in the installation, alteration or repair of any building sewer or house lead shall, prior to commencing work, place on file with the division of water and sewer of the department of public works and services, evidence of the following insurance and bonds. All such insurance shall be written with an insurance company licensed to do business and maintaining an office within the state, which office shall have the authority to process and settle claims.
 - a. Employer's liability and worker's compensation insurance for all employees to be engaged in work on the project, as provided by the Michigan Workman's Compensation Law.
 - b. Contractor's public liability insurance in an amount not less than \$100,000.00 for injuries to each person and \$300,000.00 for each occurrence, and contractor's property damage insurance in an amount not less than \$50,000.00 for each occurrence and \$100,000.00 aggregate.
 - c. Contractor's motor vehicle bodily injury insurance in an amount not less than \$100,000.00 for injuries to each person and \$300,000.00 for each occurrence and contractor's motor vehicle property damage insurance in an amount not less than \$50,000.00 for each occurrence.

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- d. Owner's and contractor's protective public liability and property damage insurance in the name of the city in an amount not less than \$100,000.00 for injuries to each person, \$300,000.00 for each occurrence and property damage in an amount not less than \$50,000.00 for each occurrence and \$100,000.00 aggregate. Such insurance shall include the so-called explosion, collapse and underground hazards coverage.
 - e. Each such person or company shall procure or cause to be procured insurance coverage as provided in subsection (b)(2)a through d of this section with respect to each subcontractor with whom it contracts.
 - f. A license bond in favor of the city in an amount of not less than \$5,000.00. The license bond shall be prepared on the form prescribed by the department of public works and services and shall be renewed at least once each year. It is the intent of the bond to guarantee that the contractor shall faithfully observe and honestly comply with such ordinances, rules and regulations, and amendments thereto as may apply to the installation, alteration or repair of any building sewer or house lead and, further, that the contractor shall keep all work undertaken within the period of the bond, whether done by himself or by someone for him, free of defects due to faulty workmanship or defective materials, for a period of one year from completion of work. This work shall be done at no expense to the city. The city shall give the contractor written notice of corrections needed on the project and in the event the contractor fails to undertake the correction of the work, as indicated in the notice, within one week, after the date of such notice, the city may cause the corrections to be made and charge all expenses therefor to the contractor or the surety.
 - g. A security cash deposit in the amount of \$100.00 shall be deposited with the city by each person or company. The cash deposit shall be a security deposit for indemnification arising from minor surface damage to adjacent lands. If there is damage, the city shall give the contractor written notice of corrections needed on the project and if the contractor fails to undertake the correction of the damage, as indicated in the notice, within one week, after the date of such notice, the city may cause the corrections to be made and deduct all expenses therefor from the security cash deposit. If the security cash deposit falls below \$50.00, the contractor will be required to renew the cash deposit to the full \$100.00 amount before additional sewer connection permits will be issued to him.
- (c) *Use regulations requiring separate building sewer or house lead.* As provided in the county board of public works regulations, the state department of health regulations and the state plumbing code, there shall be a separate building sewer or house lead, independent of that for any other building, for every building connected to the sanitary sewer system, except for those instances where the city determines that one of the following conditions prevails, in which case a multiple connection may be allowed:
- (1) Where one building stands in the rear of a residential building on an interior lot and no sewer is available or can be made available for the rear building through an adjoining alley, court, yard or driveway and where both buildings are under common ownership.
 - (2) Where a complex of commercial establishments or multiple dwelling units are situated under a common roof and share common interior walls. The interconnection of adjacent units by companionways or underground utility tunnels does not constitute sufficient physical connection to allow the use of a single building sewer or house lead.
 - (3) Where an industrial complex consists of several adjacent buildings that are an integral part of an industrial process or production sequence and where all portions of the complex are under a common ownership. If there is a sale of a portion of the complex, a separate and independent building sewer or house lead will be required for each portion of the divided complex.

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- (d) *Building sewer or house lead construction methods, materials and standards.* The city council may adopt by resolution from time to time such rules and regulations relating to building sewer or house lead construction methods, materials and standards as it may deem advisable, which rules and regulations shall be published and copies of which shall at all times be available at the department of public works and services.

(1971 Comp., Ch. VIII, Art. 2, § 3; Code 1999, § 37-106; Ord. of 6-24-1991, § 2)

Sec. 62-400. Sanitary sewer and storm drain extensions.

- (a) *Use regulations requiring public sanitary extensions.* Except in those instances provided for in section 62-399(c), all sanitary sewers serving more than one building shall be public sanitary sewers.
- (b) *Sanitary sewer extension procedure.* All public sanitary sewers installed within the city shall be constructed under contract awarded by the city council. When a person wishes to sponsor the construction of public sanitary sewers, he shall proceed as follows:
- (1) The project sponsor shall submit preliminary plans to the department of public works and services for their tentative approval (approval in principle).
 - (2) Upon the giving of tentative approval, the department of public works and services shall refer construction plans to the city engineer for technical review.
 - (3) Prior to each review by the city engineer, the project sponsor shall remit to the department of public works and services a sanitary sewer review fee based on the cost of construction as estimated by the city engineer. This remittance is to cover the cost of examination and preliminary engineering work required to determine the adequacy of the plans, the obtaining of the necessary permits from the county board of public works and the state department of health, and the division of water and sewer administration. The schedule or amount of the sanitary sewer review fee shall be prescribed from time to time by resolution of the city council.
 - (4) When the department of public works and services, upon the advice of the city engineer shall have declared the plans adequate and all the necessary permits have been obtained, the project sponsor shall submit a complete set of reproducible original drawings for the project along with the evidence of all necessary permits, other than those listed under subsection (b)(3) of this section.
 - (5) The department of public works and services shall, upon receipt of the drawings and permits, refer the project to the city council, together with their recommendations regarding construction of the project.
 - (6) At such time as the city council may elect to establish a date for receipt of bids, the project sponsor shall be directed to remit to the city or to deposit or secure in such manner as is acceptable to the city council an amount equal to the entire project cost, including construction contingencies, field supervision, staking, inspecting and administration as estimated by the city engineer.
 - (7) Upon receipt of the full remittance as defined under subsection (b)(6) of this section, the city clerk shall cause an advertisement for bid to be placed in the appropriate trade publications and direct the city engineer to prepare the necessary bid documents for use by the prospective bidders.
 - (8) Following the receipt and tabulation of bids, but prior to the award of a contract, the project costs shall be reviewed to determine if the construction funds previously deposited with the city are adequate to construct the project. If the construction deposit exceeds the adjusted project cost, the surplus shall be refunded to the project sponsor. If the construction deposit is less than the adjusted project cost, the project sponsor shall be given the option of either remitting sufficient additional funds to the city to cover the difference or directing that the bids be rejected, in which case an amount of money equal to the actual administrative, engineering and publishing cost incurred by the city in bidding the project, but in no case less than \$100.00, will be charged to the project sponsor by the city council.

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- (9) The city council shall act on the formal award and signing of the contract or the rejection of bids as outlined in subsection (b)(8) of this section.
- (10) Upon completion of the project, the project costs shall be audited and all surplus funds returned to the project sponsor.
- (c) *Alternate procedure.* In lieu of the procedure set forth in subsection (b)(1) and (2) of this section, the project sponsor may elect to request the department of public works and services to handle the entire project. In this case, the project sponsor shall remit to the department of public works and services ten percent of the estimated project cost as a good faith deposit. The department of public works and services shall cause engineering drawings to be prepared and the necessary approvals and permits obtained. If the sponsor elects not to proceed with the project, the deposit, or so much as is necessary, shall be used to defray engineering and administrative costs incurred and the balance if any shall be refunded to the sponsor.
- (d) *Sewer construction methods, materials, standards and permit procedures.* The city council may adopt from time to time such rules and regulations relating to sewer construction methods, materials and permit procedures as it may deem advisable.
- (1971 Comp., Ch. VIII, Art. 2, § 4; Code 1999, § 37-107)

Sec. 62-401. Storm sewers.

- (a) No person shall construct, alter, divert, enlarge, enclose, tap into, connect to, or in any manner tamper with any storm sewer, drain or outlet over which the city has ownership, control, regulation, or maintains either in the name of the city or by contract with any other municipality, commission or public body, without first obtaining a permit therefor from the department of public works and services.
- (b) Because the storm sewers, drains and outlets possess unique characteristics that do not lend themselves to categorical regulation, it is hereby required that specific plans and specifications be submitted to the department of public works and services setting forth the design criteria and construction details. The department of public works and services shall then alter, amend or approve plans and issue a permit therefor. The department of public works and services shall set a fee for a permit sufficient to defray the costs of review, inspections and supervision of the permit.

(1971 Comp., Ch. VIII, Art. 2, § 5; Code 1999, § 37-108)

Sec. 62-402. Protection from damage.

No unauthorized person shall maliciously, willfully, or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment that is a part of the sewage works.

(1971 Comp., Ch. VIII, Art. 2, § 6; Code 1999, § 37-109)

Sec. 62-403. Powers and authority of inspectors.

- (a) The director of public works and services and other duly authorized employees and agents, 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 article and shall be empowered to procure all necessary legal process to gain entry to other properties. The director of public works and services 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.

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- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the director of public works and services or duly authorized employees or agents, shall observe all safety rules applicable to the premises.
 - (c) The director of public works and services and other duly authorized employees and agents of the city bearing proper credentials and identification shall, subject to any pertinent restrictions to the easement, be permitted to enter all private properties through which the city holds an 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 the easement. All entry and subsequent work, if any, on any easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(1971 Comp., Ch. VIII, Art. 2, § 7; Code 1999, § 37-110)

Sec. 62-404. Penalties.

- (a) Any person found to be violating any provisions of this article except section 62-402 shall be served by the city 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 knowingly continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor.
- (c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(1971 Comp., Ch. VIII, Art. 2, § 8; Code 1999, § 37-111)

Sec. 62-405. User charges for sewer service.

- (a) Rates and charges for the use of the wastewater system of the city are hereby established and made against each lot, parcel of land or premises which may have direct or indirect connections to the system or which may otherwise discharge wastewater either directly or indirectly into the system.
- (b) The rates and charges hereby established shall be based upon a methodology which complies with applicable federal and state statutes and regulations. The amount of the rate and charges shall be sufficient to provide for debt service and for the expenses of operations, maintenance and replacement of the system as necessary to preserve the same in good repair and working order. The amount of the rates and charges shall be reviewed annually and revised when necessary to ensure system expenses are met and that all users pay their proportionate share of operation, maintenance and equipment replacement expenses.
- (c) The amount of such rates and charges and the intervals at which users of the wastewater system are billed shall be determined no less than annually by the administration and presented to city council for their notification and review. The determination of the administration shall take effect ten days following the date of the meeting in which city council was presented with official notice of such determination unless rejected by a two-thirds majority of the city council.
- (d) The rates and charges for operation, maintenance and replacement hereby established shall be uniform within the area serviced by the city. No free service shall be allowed for any user of the wastewater system.
- (e) All customers of the city wastewater system shall receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown into its component for:
 - (1) Operation, maintenance and replacement.

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- (2) Debt service.

(Ord. of 2-1-1993, § 2; Code 1999, § 37-112)

Sec. 62-406. User charges for water service.

- (a) Rates and charges for the use of the water system of the city are hereby established and made against each lot, parcel of land or premises which may have direct or indirect connections to the system.
- (b) The rates and charges hereby established shall be based upon a methodology which complies with applicable federal and state statutes and regulations. The amount of the rate and charges shall be sufficient to provide for debt service and for the expenses of operations, maintenance and replacement of the system as necessary to preserve the same in good repair and working order. The amount of the rates and charges shall be reviewed annually and revised when necessary to ensure system expenses are met and that all users pay their proportionate share of operation, maintenance and equipment replacement expenses.
- (c) The amount of such rates and charges and the intervals at which users of the water system are billed shall be determined no less than annually by the administration and presented to council for their notification and review. The determination of the administration shall take effect ten days following the date of the meeting in which city council was presented with official notice of such determination unless rejected by a two-thirds majority of the city council.
- (d) The rates and charges for operation, maintenance and replacement hereby established shall be uniform within the area serviced by the city. No free service shall be allowed for any user of the water system.
- (e) All customers of the city water system shall receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown into its component for:
 - (1) Operation, maintenance and replacement.
 - (2) Debt service.

(Ord. of 2-1-1993, § 2; Code 1999, § 37-113)

Secs. 62-407—62-432. Reserved.

**ARTICLE VI. WASTEWATER DISCHARGE INTO THE CITY OF DETROIT PUBLICLY
OWNED TREATMENT WORKS**

Sec. 62-433. Delegation of authority for wastewater discharge control.

- (a) *Delegation.* The City of Detroit, through the Detroit Water and Sewerage Department, as the control authority approved by the state, is authorized to administer and enforce the provisions of this article and the ordinance adopted by reference hereby on behalf of the city. The city has previously executed and hereby ratifies its delegation agreement dated July 3, 1990, (the "Delegation Agreement") with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this article and the ordinance adopted by reference hereby, and shall continue to allow the Detroit Water and Sewerage Department to perform the specific responsibilities of control authority pursuant to state and federal law.

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- (b) *Scope of delegation.* The delegation of authority set forth in this section and this article shall be limited solely to wastewater discharges into the wastewater collection and treatment system within the City of Romulus which flows to the City of Detroit Publicly Owned Treatment Works ("POTW").

(Ord. of 4-9-2012, § 37-114)

Sec. 62-434. Purpose.

- (a) The purpose of this article is the protection of the environment, and of public health and safety, by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City of Romulus which flow to the City of Detroit POTW and enabling the City of Romulus to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 USC 1251 et seq., and the General Pretreatment Regulations (40 CFR 403).
- (b) The objectives of this article are:
- (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system and/or the POTW or contaminate the resulting sludge, or will pose a hazard to the health or welfare of people or to employees of the City of Romulus or the City of Detroit Water and Sewerage Department;
 - (2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated, through the POTW, into receiving waters, the atmosphere, the environment or otherwise be incompatible with the system and/or the POTW;
 - (3) To improve the opportunity to recycle or reclaim wastewaters or sludge from the system and/or the POTW in an economical and advantageous manner; and
 - (4) To provide for the recovery of the costs from users of the applicable wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system and/or the POTW.
- (c) This article provides for the regulation of contributors within the city to the POTW via the applicable wastewater collection and treatment system, through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

(Ord. of 4-9-2012, § 37-115)

Sec. 62-435. Authority.

By virtue of the obligations and authority placed upon the City of Romulus and the City of Detroit by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 USC 1251 et seq.; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being MCL 323.1 et seq.; the Delegation Agreement; Rule 323.2306(b) of the Michigan Administrative Code; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit POTW; the consent judgment in U.S. EPA v. City of Detroit et al, Federal District Court for the Eastern District of Michigan Case No. 77-1100, as amended; and existing or future contracts between the board of water commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this article shall apply to every user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system which flows to the City of Detroit POTW.

(Ord. of 4-9-2012, § 37-116)

Sec. 62-436. Adoption of the City of Detroit Wastewater Discharge Control Ordinance.

The City of Romulus hereby adopts by reference the City of Detroit Wastewater Discharge Control Ordinance, City of Detroit Ordinance No. 08-05, being sections 56-3-56.1 through 56-3-67.1, as amended.

(Ord. of 4-9-2012, § 37-117)

Sec. 62-437. Copies of ordinance.

The city clerk shall provide for printed copies of the City of Detroit Wastewater Discharge Control Ordinance, City of Detroit Ordinance No. 08-05, being sections 56-3-56.1 through 56-3-67.1, as amended, and copies shall be available for inspection and for distribution to the public at all times at a fee to be set by council by resolution from time to time.

(Ord. of 4-9-2012, § 37-118)

Sec. 62-438. Amendments to provisions of City of Detroit Wastewater Discharge Control Ordinance.

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

City means the City of Detroit, unless the context specifically indicates it should mean or also mean the City of Romulus.

Significant industrial users [subsection (6)] shall read, "Is found by the City of Detroit or the City of Romulus..."

- (b) Section 56-3-59.1(d) *Dilution prohibited* shall read, "...or any requirement imposed by the City of Romulus, the City of Detroit, or by the State of Michigan."
- (c) Section 56-3-59.1(h) *City's right of revision* shall read, "The City of Detroit and the City of Romulus reserve the right.... These rules and regulations shall be adopted in accordance with the rule-making procedures section 2-111 of the 1997 Detroit City Charter and any applicable City of Romulus Charter and Ordinance provisions."
- (d) Section 56-3-59.1(j) *Notification requirements* shall read, "...Federal, State, City of Romulus, or City of Detroit laws, rules..."
- (e) Section 56-3-59.1(m) *Hazardous waste notification* shall read, "All industrial users, who discharge into the wastewater collection and treatment system which flows to the City of Detroit POTW, shall notify..."
- (f) Section 56-3-61.1(e) *Permit conditions* shall read, "...and user charges and fees established by the City of Detroit or the City of Romulus..."
- (g) Section 56-3-64.1. *Confidential information* shall additionally include, "Nothing in this section or otherwise in this article shall be construed as an assumption of liability by or a waiver of governmental immunity by the City of Romulus."
- (h) Section 56-3-65.1. *Statutes, laws, and regulations* shall read, "...organization of government other than the City of Detroit or the City of Romulus..."
- (i) Section 56-3-66.1(h)(2) shall read, "...In addition, the City of Detroit and, where applicable, the City of Romulus, may recover..."

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- (j) Section 56-3-66.1(h)(3) shall additionally include, "To the extent the City of Romulus is awarded costs, fees, and/or expenses pursuant to subsection (2) above, the City of Detroit shall collect and distribute the same to the City of Romulus."

(Ord. of 4-9-2012, § 37-119)

Sec. 62-439. Limitations on authority.

Nothing in this article shall be construed to limit the city's rights with respect to rate-making; collection of fees, charges, or expenses; any contractual rights pursuant to applicable contracts with the county for the North Huron Valley/Rouge Valley Sewer System or otherwise; or any other such rights, or shall otherwise be construed to delegate any authority to the City of Detroit not specifically set forth in the delegation agreement.

(Ord. of 4-9-2012, § 37-120)

Secs. 62-440—62-455. Reserved.

***ARTICLE VII. MEASURES FOR WATER CONSERVATION AND OTHER WATER USAGE
REGULATION***

Sec. 62-456. Intent.

The intent of this article is to promote community-wide water conservation; to provide the tools for the city to minimize increases in the rates of water and sewer customers within the city; and to otherwise promote the health, safety, and welfare of the city.

(Ord. of 12-8-2008(03), § 2(37-114))

Sec. 62-457. Automatic sprinkling and watering of commercial and industrial properties.

Automatic sprinkler usage and other watering of commercial and industrial properties are limited to times between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. of 12-8-2008(03), § 2(37-115))

Sec. 62-458. Watering of residential properties.

The mayor is authorized to limit watering of residential properties to times between the hours of 8:00 p.m. and 6:00 a.m., as well as on an "every-other-day" basis, in such circumstances that the mayor deems call for reduction of community-wide water consumption.

(Ord. of 12-8-2008(03), § 2(37-116))

Sec. 62-459. Watering of city-owned common use areas.

The city's watering of city-owned common use areas is limited to times between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. of 12-8-2008(03), § 2(37-117))

Sec. 62-460. Violations; penalties.

A first violation of the above-listed water use requirements shall result in the issuance of a written notice of violation; a second violation shall constitute a civil infraction, punishable by a fine not to exceed \$50.00; a third violation shall result in a civil infraction, punishable by a fine not to exceed \$100.00; a fourth or subsequent violation shall result in a civil infraction, punishable by a fine not to exceed \$200.00.

(Ord. of 12-8-2008(03), § 2(37-118))

Sec. 62-461. Public education.

The department of public works and/or other city department is empowered to commence a public education campaign regarding water use and conservation.

(Ord. of 12-8-2008(03), § 2(37-119))

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