

# TITLE 3: PUBLIC WORKS

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## CHAPTER 30: GARBAGE AND REFUSE

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#### § 30.01 INTENT

From and after the effective date of this chapter it shall be unlawful for the owner-occupant of any building, property or premises within the city to dispose of, store, collect, haul or transport, any refuse except in compliance with this chapter.

*(Ord. 20A, passed 12-6-83)*

#### § 30.02 DEFINITIONS

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

**CONSTRUCTION or DEMOLITION MATERIALS.** Waste materials resulting from the construction or demolition of structures or buildings, and include materials such as concrete blocks, brick, broken concrete, plaster, shingles, tile, lumber, wire and other similar materials and debris, and waste accumulated from land clearings, roads, streets, sidewalks, and excavations.

**GARBAGE.** Any putrescible waste, such as, but not limited to fruit or vegetables and all animal or refuse matter that is incident to, or attends or arises from the preparation, use, cooking, dealing in, transporting, selling, buying or storing meat, eggs, fish, fowl, fruit, vegetables and the like from all residences and establishments, public and private.

**HAULING, TRANSPORTING AND HANDLING.** The collection, hauling and/or transportation of any materials regulated by the provisions of this chapter in or upon the streets and public rights-of-way within the city.

**MULTIPLE RESIDENTIAL UNIT.** An apartment building designed for occupancy by three or more families.

**OWNER-OCCUPANT.** Any owner, occupant, lessee, tenant, person, corporation, partnership, association, firm, and any other legal entity or entities, who have control over any building or structures or occupy the same within the city. For the purposes of this chapter the primary and initial responsibility for compliance with this chapter shall be on the owner-occupant who is actually occupying the premises with the ultimate responsibility to be placed on the legal owner, but such responsibility for enforcement and compliance shall be several as well as joint.

**REFUSE.** Any combination of garbage, rubbish and trash.

**RESIDENTIAL UNIT.** Single-family residential dwelling unit, which presupposes one family occupying a home with cooking and living quarters, a mobile home or trailer, one-half of a duplex, and each apartment residence above a business establishment.

**RUBBISH.** All nonputrescible waste material of every kind from public and private residences and establishments, but not limited to material from wrecked buildings, tree trimmings, discarded bed springs, washers, dryers, water heaters, refrigerators and other household appliances, tin cans, crockery, glassware, bottles and wire, and the like whether offensive or not to the public health.

**STORAGE.** The accumulation of materials regulated by the provisions of this chapter which are awaiting final collection, transportation and disposal.

**TRASH.** All ashes, papers, cans, and containers, and the like, but not leaves, tree trimmings, material from wrecked buildings, furniture and the like that comes under the definition of "rubbish" in this section.

*(Ord. 20A, passed 12-6-83)*

### **§ 30.03 DISPOSAL OF REFUSE**

It shall be unlawful to deposit, place, scatter, bury or burn any refuse upon private or public property or premises within the city, in contravention of this chapter and §81.02 through §81.08 of this code.

- (A) Except as hereinafter provided, it shall be unlawful for any person, corporation, partnership, association, firm or any other entity to collect, haul, transport and /or remove refuse from residential units within the city unless such entity meets the requirements of the County Health Department.

- (1) Exception for Actual Producers. This chapter shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and the regulation of the County Health Department.
- (B) Any unauthorized accumulation of refuse is hereby declared a nuisance and is prohibited. Refuse of one residential unit, or non-residential unit shall not be brought to another residential unit for collection.  
(Ord. 20A, passed 12-6-83)

(C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
30.03	Disposal of Refuse	\$25.00	\$50.00	\$100.00

**§ 30.04 REFUSE CONTAINERS**

From and after the effective date of this chapter every owner-occupant of any residential unit shall place refuse for collection by a private hauler meeting the County Health Department requirements.

- (A) Containers shall be stored in a garage or a side or rear yard of a lot.
- (B) Refuse containers shall comply with the County Sanitation Regulations.
- (C) Refuse containers may be placed at a position on said premises which is near the public right of way or traveled portion of the right of way. Refuse containers shall not be placed upon a public sidewalk. Owner-occupants of apartments located above business establishments whose landlords have not made arrangements for refuse removal may place their containers adjacent to the container of the business establishment. Containers shall not be near any public roads for longer than 24 hours for the purpose of the removal of the contents.

(D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
30.04	Refuse Containers	\$25.00	\$50.00	\$100.00

**§ 30.05 SCAVENGING**

- (A) It shall be unlawful for any person to scavenge refuse left for disposal, and no person shall damage or destroy containers of refuse placed for storage.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
30.05	Scavenging	\$25.00	\$50.00	\$100.00

*(Ord. 20A, passed 12-6-83)*

**§ 30.06 GRANTING A FRANCHISE FOR HAULING, TRANSPORTING AND HANDLING OF REFUSE FOR RESIDENTIAL UNITS**

The City Council may in its discretion grant an exclusive franchise and license to a person, corporation, partnership, or firm for the hauling, transporting and handling of refuse from residential units within the city. The City Council shall use the competitive bidding process for such purpose and shall make its selection based upon the capability, performance and bid price offered by the contractor. The city may engage the services of the contractor pursuant to written contract for a period as stated in the bidding information.

*(Ord. 20A, passed 12-6-83)*

**§ 30.07 CHARGES FOR SERVICES**

If the City Council implements the provisions of §30.06, it shall, by resolution, establish rates for collection and the methods of billing.

## CHAPTER 31: PUBLIC IMPROVEMENTS

### SECTION

- § 31.01 TITLE, SPECIAL ASSESSMENT
- § 31.02 ENABLING LEGISLATION
- § 31.03 DEFINITIONS
- § 31.04 AUTHORITY TO ASSESS
- § 31.05 REPORT BY CITY STAFF
- § 31.06 TENTATIVE DETERMINATION OF PROJECT
- § 31.07 NOTICE OF PUBLIC HEARING
- § 31.08 HEARING ON NECESSITY
- § 31.09 PREPARATION OF SPECIAL ASSESSMENT ROLL
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- § 31.11 HEARING ON SPECIAL ASSESSMENT ROLL
- § 31.12 CREATION OF LIEN
- § 31.13 COLLECTION PROCEDURE; LATE PENALTY
- § 31.14 CERTIFICATION OF TOTAL COSTS
- § 31.15 DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS; ADDITION ASSESSMENTS
- § 31.16 DIVISION OF LOTS AFTER ASSESSMENT
- § 31.17 INVALIDITY OF ASSESSMENT OR ASSESSMENT ROLL
- § 31.18 ACTIONS TO CONTEST OR ENJOIN COLLECTION OF SPECIAL ASSESSMENT
- § 31.19 CERTAIN POSTPONEMENTS OF PAYMENT

#### § 31.01 TITLE

This chapter shall be known and may be cited as the “Special Assessment Ordinance” of the City of Whitehall, Michigan.  
(Ord. 18, passed 7-28-87)

#### § 31.02 ENABLING LEGISLATION

This chapter is made pursuant to the authority granted in Chapter X of the City Charter, dated August 23, 1977.  
(Ord. 18, passed 7-28-87)

#### § 31.03 DEFINITIONS

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

**COST.** When referring to the cost of any public improvement, includes the cost of service and publication of notices, preparation of plans, condemnation, spreading of rolls, advertising, financing, construction, and engineering, legal and other professional fees, interest on bonds for up to one year and all other costs incident to the making of such improvement, the special assessment therefore and the financing thereof.

**PUBLIC IMPROVEMENT.** Any municipal improvement which is of such a nature as to result in special benefit to the real property in the vicinity of such improvement.

*(Ord. 18, passed 7-28-87)*

#### **§ 31.04 AUTHORITY TO ASSESS**

The City Council shall have the power to determine the necessity of any public improvement and to determine that the whole or only part of the expense shall be defrayed by special assessment upon the property especially benefited in the manner hereinafter provided.

*(Ord. 18, passed 7-28-87)*

#### **§ 31.05 REPORT BY CITY STAFF**

(A) Upon the request of the City Council, the city staff shall investigate the proposed public improvement and prepare a report which shall include:

- (1) The concept of the proposed project;
- (2) Cost estimates of the propose project;
- (3) Proposed special assessment district boundaries;
- (4) Recommendations as to the portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the city at large.

(B) Upon completion of the report, the city staff shall submit the report to the City Council and file a copy of the report with the City Clerk. The City Council shall not finally determine to proceed with the making of any public improvement until such report of the city staff has been filed nor until after a public hearing has been held by the City Council for the purpose of hearing objections to the making of such improvement.

*(Ord. 18, passed 7-28-87)*

#### **§ 31.06 TENTATIVE DETERMINATION OF PROJECT**

The City Council, after review of the report of the city staff concerning the proposed public improvement, may pass a resolution tentatively determining the necessity of the improvement, setting forth the nature thereof, prescribing what part or portion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the city at large, designating the limits of the special assessment district to be affected, placing the complete information concerning the proposed public improvement on file in the office of the City Clerk, for public examination, and directing the City Clerk to give notice, pursuant to §31.07, of a public hearing on the proposed improvement, at which time and place an opportunity will be given to interested persons to be heard.

*(Ord. 18, passed 7-28-87)*

### **§ 31.07 NOTICE OF PUBLIC HEARING**

The City Clerk shall schedule a public hearing to be held at a meeting of the City Council, and shall give fifteen days' notice, which notice shall be given by publication in a newspaper circulated in the city and by first-class mail to all property owners in the proposed special assessment district as shown by the last general tax assessment rolls of the city.

*(Ord. 18, passed 7-28-87; Am. Ord. 21-01, passed 6-8-21)*

### **§ 31.08 HEARING ON NECESSITY**

- (A) At the time of the public hearing pursuant to §31.06, or any adjournment thereof, which may be without further notice, the City Council shall hear any objections to the proposed public improvement and to the special assessment district, and may, without further notice, revise, correct, amend or change the plans, estimates and/or district; provided that if the amount of work is increased or additions are made to the district, then another hearing shall be held pursuant to notice as provided in §31.07.
  
- (B) If the determination of the City Council is to proceed with the improvement, a resolution shall be passed approving the concept and cost estimates of the proposed project, the proposed assessment district, the recommendations as to the portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the city at large, and directing the City Assessor to prepare a special assessment roll and submit the same to the City Council; provided that if prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owners of the property in the district, which according to the report of the city staff will be required to bear more than 50% of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted while such objections remain, except by the affirmative vote of five of the seven members of City Council.

*(Ord. 18, passed 7-28-87)*

### **§ 31.09 PREPARATION OF SPECIAL ASSESSMENT ROLL**

The City Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement and assess to each lot or parcel of land the proportionate amount benefited thereby. The amount in each case shall be based upon the cost estimates of the city staff as approved by City Council. When the assessment roll is complete, the City Assessor shall submit the roll to the City Council and file the roll with the City Clerk. *(Ord. 18, passed 7-28-87)*

### **§ 31.10 TENTATIVE APPROVAL OF SPECIAL ASSESSMENT ROLL**

The City Council shall review the special assessment roll and may pass a resolution tentatively approving such assessment roll, direct that the roll be open for examination in the office of the City Clerk and direct the City Clerk give notice, pursuant §31.07, of a public hearing on the proposed special assessment roll, at which time and place the City Council will meet to review the roll and provide an opportunity to interested persons to be heard. *(Ord. 18, passed 7-28-87)*

### **§ 31.11 HEARING ON SPECIAL ASSESSMENT ROLL**

- (A) At the time of the public hearing pursuant to §31.10, or any adjournment thereof, which may be without further notice, the City Council shall hear any objections to the proposed assessment roll, and may, without further notice, correct the proposed assessment roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein or it may, by resolution, confirm the assessment roll or annul the assessment roll and direct that new proceedings be instituted.
- (B) No special assessment roll shall be confirmed by resolution of the City Council except by affirmative vote of a majority of the City Council members present at the hearing where the roll is presented. Any person objecting to the proposed assessment roll shall file their objections thereto in writing with the City Clerk before the close of such hearing. Should there be written objections so filed by the owners of more than one-half of the property to be assessed, the assessment shall not be confirmed except by affirmative vote of five of the seven members of the City Council. Upon resolution confirming the special assessment roll, it shall become binding and conclusive. If the special assessment roll is annulled, the same proceeding shall be followed in making a new roll as in the making of the original roll.

*(Ord. 18, passed 7-28-87)*

### **§ 31.12 CREATION OF LIEN**

Special assessments and all interest and charges thereon shall, from the date of the confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for city taxes and shall include accrued interest and penalty.

*(Ord. 18, passed 7-28-87)*

### **§ 31.13 COLLECTION PROCEDURE; LATE PENALTY**

- (A) Following approval of the special assessment roll, the City Treasurer shall collect the same. Special assessments shall be payable in one installment or in such number of approximately equal annual installments, not exceeding 15 as the City Council may determine. The first installment of a special assessment shall be due on or before such time after confirmation as the City Council shall fix, and the subsequent installments shall be due at intervals of 12 months from the due date of the first installment or from such other date as the City Council shall fix.
- (B) All unpaid installments prior to the transfer to the city tax roll shall bear interest payable annually at a rate to be fixed by the City Council not exceeding 8% per annum, such interest to commence at such time as shall be fixed by the City Council. The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with interest and penalties accrued to the date of the payment of the next installment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to the interest as provided above, a penalty at a rate of 1% for each month or fraction thereof if the same remains unpaid before being



reported to the City Council for reassessment upon the city tax roll. Statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records by the City Assessor, stating the amount of the assessment and the manner in which it may be paid shall be mailed by the City Treasurer provided, however, that the failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment. (Ord. 18, passed 7-28-87)

#### **§ 31.14 CERTIFICATION OF TOTAL COSTS**

Upon completion of the improvement, the financing thereof and the payment of the cost thereof, the City Clerk shall certify to the City Council the total cost of said improvement, together with the amount of the original roll for said improvement. (Ord. 18, passed 7-28-87)

#### **§ 31.15 DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS; ADDITION ASSESSMENTS**

- (A) Should the assessments in any special assessment roll prove to be insufficient for any reason to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the City Council shall make additional pro-rata assessments to supply the deficiency.
  
- (B) Should the amount collected on assessments prove larger than necessary by 5% or less of the amount of the original roll, the City Council may place the excess in any of the funds of the city, but if such excess shall exceed 5%, then the same shall be refunded pro-rata on the assessments against the several parcels of land according to the amounts thereof. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be applied toward the payment of the next city tax levied against such property. (Ord. 18, passed 7-28-87)

#### **§ 31.16 DIVISION OF LOTS AFTER ASSESSMENT**

Should any lots or land be divided after confirmation of the special assessment roll, the City Assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts as amendments upon the special assessment roll. The City Treasurer shall, within ten days after such apportionment, send notice of such action to the persons concerned at the address shown on the last general tax assessment roll by first-class mail. Said apportionment shall be final and conclusive on all parties, unless protest in writing is received by the City Treasurer within 20 days of the mailing of the aforesaid notice. The City Manager shall have the authority to confirm or amend the apportionment upon appeal by the affected party. (Ord. 18, passed 7-28-87)

**§ 31.17 INVALIDITY OF ASSESSMENT OR ASSESSMENT ROLL**

- (A) Whenever any special assessment shall, in the opinion of the City Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the City Council shall, whether the improvement has been made or not, have the power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. Payments already made and not refunded on premises included in the reassessment shall be applied upon the reassessment on said premises.
  
- (B) If the City Attorney submits a written opinion finding the assessment roll illegal, in whole or in part, the City Council may revoke its confirmation, or correct the illegality if possible, and reconfirm the roll as amended, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.  
*(Ord. 18, passed 7-28-87)*

**§ 31.18 ACTIONS TO CONTEST OR ENJOIN COLLECTION OF SPECIAL ASSESSMENT**

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or reassessment:

- (A) Unless, within 15 days after the confirmation of the special assessment roll, written notice is given to the City Clerk for attention of the City Council indicating an intention to file such suit or action and stating the grounds on which it is claimed such assessment or reassessment is illegal; and
  
- (B) Unless such suit or action shall be commenced within 30 days after the confirmation of the special assessment roll.  
*(Ord. 18, passed 7-28-87)*

**§ 31.19 CERTAIN POSTPONEMENTS OF PAYMENT**

The City Council may provide that any person who, in the opinion of the City Council, because of an inability to pay the special assessments, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by such person, which lien will mature and be effective from and after the execution of such instrument; shall be recorded with the Register of Deeds of Muskegon County, and shall not be discharged or released until the terms thereof are met in full. The City Council shall establish the procedure for making this section effective. *(Ord. 18, passed 7-28-87)*

## CHAPTER 32: SEWERS

### SECTION

- § 32.01 DEFINITIONS
- § 32.02 DEPOSIT OF OBJECTIONABLE WASTE PROHIBITED
- § 32.03 DISCHARGE OF UNTREATED SEWAGE INTO NATURAL OUTLET
- § 32.04 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES
- § 32.05 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES
- § 32.06 DESTROYING OR TAMPERING WITH SEWAGE WORKS EQUIPMENT
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- § 32.08 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM
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- § 32.18 GREASE, OIL AND SAND INTERCEPTORS
- § 32.19 CONTROL MANHOLE; MEASUREMENTS, TESTS AND ANALYSES
- § 32.20 INDUSTRIAL WASTES; SPECIAL AGREEMENTS
- § 32.21 NOTICE OF VIOLATION; LIABILITY

### § 32.01 DEFINITIONS

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

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the sanitary sewer or other place of disposal, as provided in §32.08 through §32.11.

**CITY MANAGER.** The City Manager, duly appointed as such, of the City of Whitehall.

**CLERK.** The City Clerk of the City of Whitehall, or their authorized deputy agent or representative.

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

**DIRECTOR.** Director of Public Works of the city or an authorized deputy, agent, or representative.

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

**INDUSTRIAL WASTES.** The liquid wastes from industrial processes as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

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

**PRIVIES.** A toilet located in a small shed outside a house or other building; an outhouse.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.

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

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All the facilities for collecting, pumping, treating, and disposal of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**STORM SEWER or STORM DRAIN.** A sewer which carries storm and surface waters and draining, but excludes sewage and polluted industrial wastes.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

**WATER COURSE.** A channel in which a flow of water occurs, either continuously or intermittently.  
(Ord. 25, passed 6-1-61)

**§ 32.02 DEPOSIT OF OBJECTIONABLE WASTE PROHIBITED**

- (A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.02	Deposit of Objectionable Waste	\$25.00	\$50.00	\$100.00

*(Ord. 25, passed 6-1-61)*

**§ 32.03 DISCHARGE OF UNTREATED SEWAGE INTO NATURAL OUTLET**

- (A) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.03	Discharge of Untreated Sewage/Natural Outlet	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.04 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES**

- (A) Except as provided by the Muskegon County Sanitary Regulations, 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.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.04	Privies, Septic Tanks/Other Facilities	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.05 OWNER’S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES**

- (A) The owner of all houses, buildings or facilities used for human occupancy, by habitation, 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 may in the future be located a public, sanitary or combined sewer of the city passing said houses, building or facilities so used, is hereby required, at said owner’s expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within 18 months after date of official written notice to property owner to apply for the connection, regardless of the setback or other location of the houses, buildings or facilities so used on the premises, hereby required to be served.
- (B) The owner of all houses, buildings or facilities used for human occupancy, by habitation, employment, recreation or other purpose, situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, when not more than 200 feet of sewer construction without the need for mechanical pump or forced main is required in the street or alley or parallel to the street or alley to reach the nearest point of the most practical lateral connection of the building to be served, is hereby required at said owner’s expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions this chapter, within 18 months after date of official written notice to property owner to apply for the connection, regardless of the set back or other location of the houses, building or other facility so used on the premises hereby required to be served.
- (C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.05	Owners Responsibility: Install Toilet Facilities	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61; Amended Ord., passed 1-24-67; Amended Ord. 01-02, passed 7-24-01)*

**§ 32.06 DESTROYING OR TAMPERING WITH SEWAGE WORKS EQUIPMENT**

- (A) No person shall maliciously, willfully, or negligently break, damage, uncover, deface or tamper with any structures, appurtenances or equipment which is a part of the municipal sewage works. Any person violating this provision may be subject to immediate arrest under charges of disorderly conduct.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.06	Destroying or Tampering with Sewage Works Equipment	\$25.00	\$50.00	\$100.00

*(Ord. 25, passed 6-1-61)*

**§ 32.07 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION**

(A) The City Manager and other duly authorized employees of the city bearing proper credentials and identification shall be permitted at all reasonable times to enter all users' properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.07	Right of Entry for Purpose of Inspection	\$25.00	\$50.00	\$100.00

*(Ord. 25, passed 6-1-61)*

**§ 32.08 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM**

(A) Where a public sanitary sewer is not available under the provisions of §32.05, the building sewer shall be connected to a private sewage disposal system complying with the Muskegon County Sanitary Regulations.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.08	Connecting Building Sewer to Private Sewage Disposal System	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.09 WRITTEN PERMIT TO BE OBTAINED**

(A) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the County Health Department.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.09	Written Permit to be Obtained	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.10 CONNECTING BUILDING SEWER TO PUBLIC SEWER**

(A) At such time as public sewer becomes available to a property served by a private sewage disposal system, as provided in §32.05, a direct connection shall be made to the public sewer in compliance with this section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. All drains for other than sewage that may have been connected to the private sewage disposal system shall not be connected to the public sewer.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.10	Connecting Building Sewer to Public Sewer	\$100.00	\$200.00	\$300.00

(Ord. 25, passed 6-1-61)

**§ 32.11 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS**

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Health or the County Health Officer.

(Ord. 25, passed 6-1-61)

**§ 32.12 REGULATIONS ADOPTED BY REFERENCE**

The city shall provide regulations, approved by the City Council, governing the building and repair of sanitary sewers, laterals and connections, which shall address any required permits, sewer taps, costs and expenses of installation of sewers, laterals and reimbursable costs for collection systems and treatment facilities, including indemnifications, standards and specifications and any other such items that relate to current engineering, construction and payment of costs. These regulations and any amendments thereto shall be considered a part of this section and are incorporated by reference.

**§ 32.13 FEES**

The costs for the building and repair of sanitary sewers, laterals and connections payable by the owner of the premises shall be determined by the City Council and in the event of default in payment; water service may be discontinued until said default is remedied. An action in assumpsit may also be instituted by the city against the owner of the premises to recover said charges.

(Am. Ord. 15-04, passed 07-28-15)

**§ 32.14 CREATION OF LIEN**

All costs assessed to the owner of the premises may be made a lien against the premises, dischargeable upon full payment of the assessed costs. The City Treasurer shall, annually on April 1, certify to the City Assessor all unpaid charges for such services furnished to any premises which, on the preceding March 31, have remained unpaid for a period of six months. The City Assessor shall place the same on the next tax roll of the city. Such charges so assessed shall be collected in the same manner as general city taxes.

**§ 32.15 APPEALS**

Any owner disputing the correctness of their charges shall have the right to a hearing at which time they may be represented in person and/or by counsel or any other person of their choosing and may present orally or in writing their complaint and contentions to the Treasurer or authorized representative. The owner may present their complaint to the Director of the Public



Works and/or the City Manager if the Treasurer or authorized representative fails to resolve the issue. The Treasurer or authorized representative shall have the authority to make payment agreements with the owner.  
*(Ord. 99-07, passed 10-12-99)*

**§ 32.16 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE**

- (A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Manager. Industrial cooling water or unpolluted process waters may be discharged upon approval of the City Manager to a storm sewer, combined sewer or natural outlet.  
*(Ord. 25, passed 6-1-61)*

(C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.16	Discharge of Stormwater & Others Unpolluted Drainage	\$100.00	\$200.00	\$300.00

**§ 32.17 DEVICES WHICH PROVIDE CROSS CONNECTION BETWEEN SEWER AND WATER SUPPLY PROHIBITED**

- (A) No person shall cause to be constructed or operate any device which provides a cross connection between sewer and water supply.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.17	Devices to Provide Cross Connection between Sewer & Water	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.18 GREASE, OIL AND SAND INTERCEPTORS**

- (A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Department of Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Department of Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

- (B) 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, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.
- (C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at their expense, in continuously efficient operation at all time.
- (D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.18	Grease, Oil & Sand Interceptors	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.19 CONTROL MANHOLE; MEASUREMENTS, TESTS AND ANALYSES**

- (A) When required by the Department of Public Works Director, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Manager. The manhole shall be installed by the owner at the owner’s expense, and shall be maintained by the owner so as to be safe and accessible at all times.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
32.19	Control Manhole	\$100.00	\$200.00	\$300.00

*(Ord. 25, passed 6-1-61)*

**§ 32.20 NOTICE OF VIOLATION; LIABILITY**

- (A) Any person found to be violating any provision of this chapter except §32.06 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 violating any of the provisions of this chapter shall become liable to the city for expense, loss or damage occasioned by the city by reason of such violation.  
*(Ord. 25, passed 6-1-61)*

## CHAPTER 33: WATER

### SECTION

- § 33.01 DEFINITIONS
- § 33.02 STANDARDS AND REGULATIONS ADOPTED BY REFERENCE
- § 33.03 FEES
- § 33.04 CREATION OF LIEN
- § 33.05 APPEALS
- § 33.06 WATER CONNECTIONS; CHARGE
- § 33.07 TURNING ON WATER SERVICE
- § 33.08 USE OF FIRE HYDRANTS
- § 33.09 INJURIES TO FACILITIES
- § 33.10 METERS REQUIRED
- § 33.11 ACCESS TO METERS
- § 33.12 REIMBURSEMENT FOR DAMAGE
- § 33.13 METER FAILURE
- § 33.14 INACCURATE METERS
- § 33.15 PETITIONS FOR MAIN EXTENSIONS
- § 33.16 ADOPTION OF STATE WATER SUPPLY CROSS CONNECTION RULES
- § 33.17 INSPECTION OF POSSIBLE CROSS CONNECTIONS
- § 33.18 DISCONTINUANCE OF WATER SERVICE
- § 33.19 LABELING OF WATER OUTLETS

#### § 33.01 DEFINITIONS

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

**WATER CONNECTION.** That part of the Water Distribution System connecting the water main to a point between the curb line and property line, including the curb box and curb stop.

**WATER MAIN.** That part of the Water Distribution System located within easement lines or streets and designed to supply more than one water connection.

*(Ord. 24, passed 6-1-61)*

#### § 33.02 STANDARDS AND REGULATIONS ADOPTED BY REFERENCE

- (A) A certain document, copies of which are on file in the Water Department, being marked and designated as the current “American Waterworks Association Standard,” is adopted as the standards of the city; and each and all of the regulations of the aforementioned standards are hereby referred to, adopted and made a part of this chapter as if fully set out herein.

- (B) The city may provide regulations approved by the City Council, governing the building and repair of water mains, service lines, meters and connections to the water system of the city, which shall address any required permits, water taps, costs and expenses of installation of water mains and service lines, etc., and reimbursable costs for the distribution system and pumping and treatment facilities, including indemnifications, standards and specifications and other such items that relate to current engineering, construction and payment of costs. These regulations and any amendments thereto, shall be considered a part of this chapter and are incorporated by reference.  
*(Ord. 99-08, passed 10-12-99)*

### **§ 33.03 FEES**

The costs for water connections payable by the owner of the premises shall be determined by the City Council and in the event of default in payment, water service may be discontinued until said default is remedied. An action in assumpsit may also be instituted by the city against the owner of the premises to recover said charges.

*(Ord. 99-08, passed 10-12-99; Am. Ord. 15-04, passed 07-28-15)*

### **§ 33.04 CREATION OF LIEN**

All costs assessed to the owner of the premises may be made a lien against the premises, dischargeable upon full payment of the assessed costs. The City Treasurer shall, annually on April 1, certify to the City Assessor all unpaid charges for such services furnished to any premises which, on the preceding March 31, have remained unpaid for a period of six months. The City Assessor shall place the same on the next tax roll of the city. Such charges so assessed shall be collected in the same manner as general city taxes.

*(Ord. 99-08, passed 10-12-99)*

### **§ 33.05 APPEALS**

Any owner disputing the correctness of their charges shall have the right to a hearing at which time they may be represented in person and/or by counsel or any other person of their choosing and may present orally or in writing their complaint and contentions to the Treasurer or authorized representative. The owner may present their complaint to the Director of the Public Works and/or the City Manager if the Treasurer or authorized representative fails to resolve the issue. The Treasurer or authorized representative shall have the authority to make payment agreements with the owner.

*(Ord. 99-08, passed 10-12-99)*

### **§ 33.06 WATER CONNECTIONS; CHARGE**

The water connection pipe shall be made by the city upon payment of the required connection fee which shall from time to time be fixed by the City Council, which considers the cost of materials, installation and overhead attributable to such installation. The cost of water meter installation shall be included in the connection fee; provided, however, the cost of a second water meter for measuring water usage for a secondary water use (i.e., lawn sprinkling), shall be fixed by City Council as a separate additional fee.

*(Ord. 24, passed 6-1-61; Amended Ord. 92-2, passed 10-13-92)*

**§ 33.07 TURNING ON WATER SERVICE**

(A) No person, other than an authorized employee of the city shall turn on or off any water service, except that a licensed plumber may turn on water service for testing their work (when it must be immediately turned off) upon receiving a written order from the city.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.07	Turning on Water Service	\$50.00	\$100.00	\$200.00

*(Ord. 24, passed 6-1-61)*

**§ 33.08 USE OF FIRE HYDRANTS**

(A) No person, except an employee of the city in the performance of their duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the city. In no case shall any hydrant be opened or closed except with a hydrant wrench provided by the city.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.08	Use of Fire Hydrant	\$50.00	\$100.00	\$200.00

*(Ord. 24, passed 6-1-61)*

**§ 33.09 INJURIES TO FACILITIES**

(A) No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City Water Distribution System.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.09	Injuries to Facilities	\$100.00	\$200.00	\$500.00

*(Ord. 24, passed 6-1-61)*

**§ 33.10 METERS REQUIRED**

(A) All premises using municipal water shall be metered. No person except a city employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. Water meters shall be installed by the city and shall remain the property of the city.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.10	Meters required	\$100.00	\$200.00	\$500.00

(Ord. 24, passed 6-1-61; Amended Ord. 92-2, passed 10-13-92)

**§ 33.11 ACCESS TO METERS**

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

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.11	Access to Meters	\$50.00	\$100.00	\$200.00

(Ord. 24, passed 6-1-61)

**§ 33.12 REIMBURSEMENT FOR DAMAGE**

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

(Ord. 24, passed 6-1-61)

**§ 33.13 METER FAILURE**

If any meter shall fail to register properly, the city shall estimate the consumption on the basis of former consumption and bill accordingly.

(Ord. 24, passed 6-1-61)

**§ 33.14 INACCURATE METERS**

A consumer may request that the meter be tested. If the meter is found defective, a new meter will be installed and no charge will be made. If the meter is found to be operating and accurate within accepted tolerances, a reasonable fee as approved by Council will be charged to the property owner for such inspection.

(Ord. 24, passed 6-1-61)

**§ 33.15 PETITIONS FOR MAIN EXTENSIONS**

The owners of property within the city may apply to the City Council, by petition, for the extension of water mains, but the Council may, on its own initiative and without such petition having been filed, proceed to construct water main extensions or additions, and the filing of any such petition shall not make it mandatory upon the Council to proceed with the construction of any such extension or addition.

*(Ord. 24, passed 6-1-61)*

**§ 33.16 ADOPTION OF STATE WATER SUPPLY CROSS CONNECTION RULES**

The city adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.440 of the Michigan Administrative Code, as may be amended from time to time.

*(Ord. 27, passed 4-24-73)*

**§ 33.17 INSPECTION OF POSSIBLE CROSS CONNECTIONS**

- (A) It shall be the duty of the City Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the City Water Department and as approved by the Michigan Department of Public Health.
  
- (B) The representative of the City Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the city for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the City of Whitehall Department of Public Works any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
  
- (C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
33.17	Inspection of Possible Cross Connection	\$50.00	\$100.00	\$200.00

*(Ord. 27, passed 4-24-73)*

**§ 33.18 DISCONTINUANCE OF WATER SERVICE**

The City Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be

restored until the cross connections have been eliminated in compliance with the provisions of this section. (Ord. 27, passed 4-24-73)

### **§ 33.19 LABELING OF WATER OUTLETS**

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state and city plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable systems must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(Ord. 27, passed 4-24-73)

## **CHAPTER 34: WATER AND SEWER RATES AND CHARGES**

### **SECTION**

- § 34.01 DEFINITIONS**
- § 34.02 BASIS OF CHARGES**
- § 34.03 WATER RATES**
- § 34.04 USER CHARGE SYSTEM FOR SEWER SERVICE**
- § 34.05 BILLING**
- § 34.06 COLLECTION PROCEDURE**
- § 34.07 APPEALS**

### **§ 34.01 DEFINITIONS**

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

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

**ESTIMATED WATER AND/OR SEWER USAGE.** The basis of projecting water and/or sewage usage, which shall be approved by the Finance Officer and shall consider matters related to the type of usage (commercial, industrial, multi-family, or single-family residential), seasons of the year, past usage data, and other factors that may be relevant, to the extent that it is reasonably possible to predict such factors and incorporate such into the billing process.

**OPERATION AND MAINTENANCE.** All costs, direct and indirect, inclusive of all expenditures attributable to administration, replacement, and treatment and collection of sewage or wastes, necessary to ensure adequate treatment and collection of sewage or wastes on a continuing basis in conformance with the National Pollutant Discharge Elimination System (NPDES) permit, and other applicable regulations.



**PERSON.** Any individual, firm, association, partnership, limited liability company, or public or private corporation or public agency or instrumentality.

**PREMISES.** Each lot or parcel of land, building or premises having any connection to the Water Distribution System of the city, or the Sewage Disposal System of the city.

**REPLACEMENT.** Expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the system to maintain the capacity and performance for which the system was designed and constructed.

**SYSTEM.** The water and or sewer systems of the city.

*(Ord. 21, passed 5-26-87; Am. Ord. 92-6, passed 10-27-92; Am. Ord. 94-3, passed 11-7-94)*

## **§ 34.02 BASIS OF CHARGES**

All water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the Department. All sewage disposal service shall be charged for on the basis of water consumed. No free water service or sewage disposal service shall be furnished to any person.

*(Ord. 21, passed 5-26-87)*

## **§ 34.03 WATER RATES**

The rates to be charged for water pumping, treatment, and distribution shall be established from time to time by City Council resolution.

## **§ 34.04 USER CHARGE SYSTEM FOR SEWER SERVICE**

- (A) Rates and charges for the use of the wastewater system of the city are established by resolution of the City Council 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 established shall be based upon a methodology which complies with applicable federal and state statutes and regulations. The amount of the rates and charges shall be sufficient to provide for debt service and for the expenses of operation, 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 insure 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 by resolution of the City Council.
- (D) The rates and charges for operation, maintenance and replacement established by City Council 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's wastewater system shall receive, at a minimum, annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the wastewater disposal bill into its components for:

(1) Operation, maintenance and replacement; and

(2) Debt service

*(Ord. 92-6, passed 10-27-92)*

### **§ 34.05 BILLING**

Charges for water service and sewage disposal service shall be billed and collected quarterly-annually. All water meters shall be read every March, June and September. Bills for the quarter ending in December may be based upon the estimated usage. Bills shall be mailed by the Department within the first ten days of January, April, July and October, which bills shall be immediately due and payable and may be paid without penalty up to and including the 10<sup>th</sup> day of the following month.

*(Ord. 21, passed 5-26-87; Am. Ord. 94-3, passed 11-7-94; Am. Ord. 95-02, passed 6-27-95; Am. Ord. 97-01, passed 1-14-97; Am. Ord. 00-15, passed 12-27-00; Am. Ord. 15-04, passed 07-28-15)*

### **§ 34.06 COLLECTION PROCEDURE**

- (A) The Department is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises. The payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both. An action in assumpsit may also be instituted by the city against the customer for all charges.

- (B) The charges for water service and sewage disposal service, which, under the provisions of Act 94, Public Acts of 1933 of the state, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien against the subject premises. The City Treasurer shall, annually before June 1 and /or November 1, certify to the City Assessor all unpaid charges for such services furnished to any premises which have remained unpaid for the preceding six months. The City Assessor shall place the same on the next tax roll of the city. Such charges so assessed shall be collected in the same manner as general city taxes.

- (C) In cases where the city is properly notified in writing, in accordance with the Act of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the City a sum determined by the City Council.

*(Am. Ord. 15-04, passed 07-28-15)*

### **§ 34.07 APPEALS**

Any customer disputing the correctness of their bill shall have the right to a hearing at which time they may be represented in person and/or by counsel or any other person of their choosing and may present orally or in writing their complaint and contentions to the Treasurer or authorized representative. The customer may present their complaint to the Director of the Public Works and/or the City Manager if the Treasurer or authorized representative fails to resolve the issue. The Treasurer or authorized representative shall have the authority to make payment agreements with the customer.

## CHAPTER 35: WASTEWATER DISCHARGE

### SECTION

- § 35.01 PURPOSE AND INTENT
- § 35.02 COUNTY IS CHARGED WITH ABATING VIOLATIONS
- § 35.03 PROHIBITED DISCHARGE STANDARDS
- § 35.04 DISCHARGE ONLY IN COMPLIANCE WITH COUNTY REGULATIONS
- § 35.05 COUNTY MAY ENTER ALL PROPERTIES
- § 35.06 FUTURE CONDITIONS
- § 35.07 ADDITION TO THE DEFINITION SECTION OF LOCAL ORDINANCE
- § 35.08 REPEAL PRIOR ORDINANCE

#### § 35.01 PURPOSE AND INTENT

The purpose and intent of this chapter is to establish standards and regulations for the discharge of wastewater into the County Wastewater System which standards are consistent and compatible with the standards and regulations adopted by the County Board of Public Works and by the County Board of Commissioners; and further to facilitate the enforcement of such standards and regulations by the county of violations within the city.

*(Ord. 00-04, passed 9-12-00)*

#### § 35.02 COUNTY IS CHARGED WITH ABATING VIOLATIONS

*Enforcement Agent.* The county is charged with the duty of investigating, preventing and abating violations of this chapter and enforcing the provisions hereof. The responsibility for enforcement of this chapter shall be upon the County Director. Provided, that the right of enforcing this chapter is reserved to the city with respect to its collection system and the protection of its inhabitants and employees. In the event the city determines its intent to enforce this chapter, it shall notify the county of the intended enforcement action in specific cases. In such event, if the county determines that it does not intend to initiate enforcement action on behalf of the Publicly Owned Treatment Works (POTW) within a period of ten days from the service of the notice of intent or immediately in the event of an emergency, the city may initiate enforcement action. In such event the county shall provide, without charge, the city with all available technical assistance it would have provided had the county undertaken such enforcement action. If the county determines after the above notice period that it intends to initiate enforcement action, it shall notify the city of its intended action and such enforcement action shall include intended relief for the city as to its concerns as well as for the protection of the POTW. In the latter case, the damages, surcharges and civil penalties shall be allocated between the county and the city as their interests shall appear. Further, in such case, the county shall assume and pay the attorney fees and costs incurred by the county as a result of such enforcement action, but such expenses shall be includable in the allocation of costs.

*(Ord. 00-04, passed 9-12-00)*

### **§ 35.03 PROHIBITED DISCHARGE STANDARDS**

No user shall introduce or cause to be introduced into the Publicly Owned Treatment Works (POTW), any pollutant, substance or wastewater which is in violation of the prohibited discharge standards of the ordinance adopted by county to control and regulate discharges into the system.  
(Ord. 00-04, passed 9-12-00)

### **§ 35.04 DISCHARGE ONLY IN COMPLIANCE WITH COUNTY REGULATIONS**

All users must comply with the standards and regulations adopted for the system by the County Department of Public Works and/or the County Board of Commissioners.  
(Ord. 00-04, passed 9-12-00)

### **§ 35.05 COUNTY MAY ENTER ALL PROPERTIES**

*Authority.* Authorized representatives of the county exhibiting proper credentials and identification shall be permitted at all reasonable times to enter all users' properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the administration of and in accordance with the provisions of this chapter and the ordinances and regulations of the county. The representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewer or the POTW.  
(Ord. 00-04, passed 9-12-00)

### **§ 35.06 FUTURE CONDITIONS**

Future conditions imposed on the county and/or the system by jurisdictional government agencies may require subsequent amendment of this chapter. Where federal, state or county standards require limits on parameters not covered in this chapter or limits more stringent than those specified in this chapter, such federal, state or county limits shall have precedence and take effect with respect to the applicable user on the later of: (a) their promulgation date, or (b) the date specified for compliance with such standards.  
(Ord. 00-04, passed 9-12-00)

### **§ 35.07 ADDITION TO THE DEFINITION SECTION OF LOCAL ORDINANCE**

In the event any definition herein conflicts with the definition of the same or substantially same term contained in the county's ordinance regulating discharges into the wastewater system, the definition within the county's ordinance shall prevail.  
(Ord. 00-04, passed 9-12-00)

### **§ 35.08 REPEAL PRIOR ORDINANCE**

Ordinance No. 28 adopted June 10, 1980, entitled, in part, "An ordinance establishing standards relating to the acceptability of wastewaters discharged to public sewers or to publicly owned treatment works" is hereby repealed in its entirety.  
(Ord. 00-04, passed 9-12-00)