

CITY OF MUNISING
WATER AND SEWER ORDINANCE
ORDINANCE NO. 2022-3

An Ordinance to provide for the supply and consumption of water; to regulate the use of public and private sewers and drains and private sewage disposal systems; to regulate the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and to provide for the setting of rates, charges and service charges pertaining thereto, in the City of Munising.

The City of Munising Ordains:

Article I, General Provisions

1. Operation.

The operation, repair, and management of the water supply and sewage disposal system, and the acquiring of authorized public improvements shall be under the supervision and control of the City Manager, subject to overall control by the City Commission. The City Commission may make such rules, orders and regulations and appoint such personnel as it may deem necessary to assure the efficient management and operation of the system.

2. Right to prohibit use of system.

If the character of the sewage from any building or property shall be such as to impose an unreasonable burden upon the sewage disposal system, the right to empty such sewage may be denied, through immediate termination of water and sewer service, if necessary for the protection of the sewer and sewage disposal facilities of the system or the public health and safety.

3. Free service prohibited.

Except as provided in this part 3, no free service shall be furnished by the water supply and sewage disposal system.

a) Catastrophic Water Event. The sewer portion of a bill may be adjusted for catastrophic water use if all the following requirements are met:

1) A catastrophic event is defined as water usage that is at least five times the monthly water used by the customer averaged over the most recent 12-month period;

2) The customer must make a written request for an adjustment to the sewer portion of the bill;

3) A City employee must verify that the leak or water use event has been resolved;

4) A City employee must verify the water used did not enter the sanitary sewer system;

5) The customer must provide documentation (e.g. denial of claim) that their homeowner's insurance will not cover the cost of the excess usage;

6) The adjustment is limited to a one-month billing period and only to one adjustment per dwelling unit is allowed during a ten-year period; and

7) The sewer portion of the bill will be adjusted to the average amount of the sewer use averaged over the most recent 1-month period.

4. Rates, deposits and charges.

a) The rates, deposits, and charges for water and sewer service furnished by the water and/or sewage disposal systems shall be set by resolution of the City Commission and shall be on a per meter basis. Water and sewer consumption charges will be based on consumption of water, on a per gallon basis.

b) The City Commission may also establish, by resolution and upon recommendation of the City Manager, rates, fees, deposits, and charges for supplying water and/or sewer disposal service to areas/properties located outside the corporate limits of the City. These rates, fees, deposits, and charges shall be set at an amount not less than the rates, fees, deposits and charges for services furnished to properties within the corporate limits of the City.

5. Termination of water service for non-payment.

All charges under this Water and Sewer Ordinance shall be paid within 30 days of billing. Failure to pay charges, within that 30 days, shall cause the City to terminate water service to the property in accord with the following procedure: (a) Notice sent by USPS, after 20 days, that service to the property will be terminated in 10 days; (b) An additional notice, posted on the property not less than 8 days after the mailing of the notice provided for in (a), that service to the property will be terminated in 2 days. Provided, however, that if following this procedure will result in water service being terminated on a Friday, Saturday, or Sunday, termination may be delayed to Monday of the following week.

6. Billing accounts and City remedies.

a) Charges for water consumption and services, and sewer services, enumerated herein shall be the obligation of the owner of the property served with water service, as determined by City records, not the tenant or other non-owner occupant. No new water/sewer services shall be provided to any owner who has an outstanding balance due the City for prior water/sewer services. Any water/sewer billing account in the name of a tenant or non-owner occupant on the date this Ordinance is adopted may continue until that tenant or non-owner occupant vacates the property serviced, at which time a new water/sewer billing account shall be created in the owner's name. In addition to other remedies, unpaid charges for water/sewer services may constitute a lien on the property serviced pursuant to MCL 123.165.

b) All water supply and sewage disposal charges, due and unpaid for 60 (sixty) days or more, shall be reported by the City Manager to the City Commission at the time single lot special assessments are normally requested. All unpaid water rates or charges which are reported by the City Manager to the City Commission as having been due and unpaid shall be transferred to the City's tax roll and assessed against the property to which service was supplied or furnished. Such unpaid rates or charges shall be collected in the same manner as City taxes are collected. If the same shall remain delinquent and unpaid after the expiration of the time limited in the warranty for the collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as City taxes on the delinquent tax roll of the City.

c) Collection of past due accounts: Bills become due and payable on the date specified in the bill. For any, and every bill not paid by said date a 5% penalty shall be added which shall be in addition to other remedies hereby afforded City. Should City pursue litigation to collect unpaid bills, City shall be entitled to recover actual costs of litigation, including actual attorneys fees

incurred, from the obligor on the account, in addition to other remedies available to the City.

7. Summer Sewer Rates. (Amended 9-18-23)

Upon paying an application fee set by resolution of the City Commission, residential customers may obtain a permit from the City to have sewer charges adjusted during the months of June, July, August, and September to account for water used out of doors and not deposited in the sanitary sewer system. The method of determining the adjustment shall be set by Resolution of the City Commission from time to time.

8. Un-metered Service.

In exceptional circumstances, and with respect to certain City owned property that, historically, has not been metered, the City may enter into arrangements for the distribution of water through un-metered service but in all instances, where possible, arrangements shall be made to provide water to said location through metered service as soon as reasonably practicable. In all cases where water is distributed through un-metered service the charge for distribution shall be by good faith estimated actual usage. Water department personnel shall document this estimation.

Article II, Water System

1. Charge for tap-in and shut-off of water system.

Upon request of the property owner, or the owner's representative, the City shall tap new lines into the water main. The charge for these "tap in" services shall be set by resolution of the City Commission and shall be paid, in full, prior to commencement of work by the City. As "tap-in" services the City shall provide and install a tap upon the City water main and lateral line up to, and including, the water shut-off for the property.

The City shall be solely responsible for all costs associated with the maintenance and repair of the tap upon the main and lateral, up to the point State law determines City's responsibility ends (hereinafter referred to as "City portion of line"), and the property owner shall be solely responsible for making all arrangements with licensed contractors for, and all costs associated with, the maintenance and repair of the remainder of the water supply system (hereinafter referred to as "owner's portion of the line").

In all cases the water shut-off for the property shall be located as close to the private property boundary line closest to the City water main as is practicable.

If a turn-off of water is requested, the City shall turn-off water. City shall charge a fee for turning off water, in an amount determined by resolution of the City Commission. In exceptional circumstances, to safeguard the City water or sewer systems, the City can refuse to turn off water.

All charges under this Section shall be charged to the property served on the bill. No water shall be turned on while there is an outstanding delinquent water consumption or service charge associated with the property served.

2. Thawing Freeze-ups.

The City does not thaw water lines, except at City's sole discretion.

3. Meters, wells and water delivery.

Use of private wells for the delivery of potable water in any part of the City served by

the City water system is prohibited. The delivery of all potable water to property in any part of the City served by the City water system shall be metered from and through the City water system, exclusively. Any person who causes potable water to be delivered to a property in any part of the City served by the City water system from a private well, or by bypassing, circumventing, or disabling a water meter, or not having a meter installed, or connecting a nonpotable water supply to a property's potable water supply shall be guilty of a misdemeanor. Furthermore, water may only be delivered to the building in which the meter is located. If water service is extended, property owners with wells will have 365 days to connect to the extended water service, at the property owner's expense.

4. Installations of meters.

In all cases it shall be the property owner's responsibility to make arrangements to provide and pay all costs associated with providing any and all plumbing necessary for the City to install a meter.

For all new services, meters shall be provided and installed by City at no charge to the property owner. Property owners shall be charged a fee for removal and for reinstallation of meters. The fee will be set by resolution of the City Commission.

5. Location of meters.

The City has established a system of metering, City shall terminate water to any premises whose owner refuses to comply with the City's request to install a meter, in a location determined by the City, where the property owner's lateral line first enters the structure served, and in a manner to ensure that all water used upon the property flows through the meter.

Regarding existing meters located outside a building, and where it is impracticable for the meter to be relocated inside a building, the meter shall be installed in a meter box approved by City, provided by the property owner at property owner's expense, designed to protect the meter from the elements.

Subject to the City's right to continue to deliver water and charge for a meter, or meters, not installed pursuant to ¶14, failure by an owner to provide necessary plumbing, to allow the City access to install the meter within thirty (30) days of receipt of a request by the City to install a meter, or to provide a suitable meter box within thirty (30) days of receipt of a request by the City to so install such a box, is deemed to be a refusal to comply with this Ordinance and the City shall terminate water service to the properties.

6. Termination for non-use.

At City's discretion, City may terminate water service to any property where water is not used for 60 days or more, or the property served by a meter is not occupied.

7. Access to property.

Owners of property served by the City water system shall allow City administrative officers and City employee's access to the property, upon reasonable notice and at reasonable times, to inspect the meter and related plumbing. Failure to provide access will result in the City terminating water service to the property immediately. By accepting water from the City water system an owner consents to City employees entering the owner's building, or structure where the meter is located, six months after water service to the building is terminated, to remove the meter.

8. Prior Services.

All bills outstanding and unpaid on the effective date of this Ordinance shall remain in

full force and effect and may be collected by the City in accord with this Ordinance.

Article III, Sewers

1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in those portions of this Ordinance dealing with sewer services, charges, and rates shall be as follows:

a) **Building Drain:** The part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys into the building's sewer, beginning five (5) feet outside the inner face of the building wall.

b) **Building Sewer:** the extension from the building drain to the public sewer or other place of disposal and shall include the tap into the public sewer.

c) **Garbage:** solid wastes, including rags, from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

d) **Industrial Waste:** any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.

e) **Natural Outlet:** any outlet in a watercourse, pond, ditch, lake or other body of surface or ground water.

f) **Person:** any individual, firm, company, association, society, corporation, or group.

g) **Public Sewer:** a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

h) **Sanitary Sewer:** a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.

i) **Sewage:** a combination of wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface and storm waters as may be present.

j) **Sewage Works:** all facilities for collecting, pumping, treating, and disposing of sewage.

k) **Sewer:** a pipe or conduit for carrying sewage.

l) **Shall:** is mandatory.

m) **May:** is permissive.

n) **Ludge:** means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

o) **Superintendent:** the Supervisor of Sewage Works of the City of Munising, or his authorized deputy, agent, or representative.

p) **Wastes:** The liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, including but not limited to wastes from toilets, sinks, laundries and bathing facilities, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated.

q) Watercourse: a channel in which a flow of water occurs, either continuously or intermittently. Watercourse only appears at (g), above.

r) Industrial Waste: any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage. Industrial Waste(s) still appears in a number of places in the ordinance.

s) Normal Domestic Wastewater or Waste: Typical and ordinary wastewater or waste from a residential dwelling.

t) Light Commercial Wastewater or Waste: Typical and ordinary wastewater or waste from restaurants, breweries, bakeries, and other businesses providing cooked or prepared foods or food services.

2. Compulsory Use of Public Sewers.

a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner any sewage, human excrement or wastewater upon public or private property within the City of Munising, or in any area under the jurisdiction of said City; all such material shall only be disposed of through use of the City sanitary sewer system.

b) It shall be unlawful to discharge to any natural outlet within the City of Munising, or in any area under the jurisdiction of said City, any sewage, human excrement, or wastewater, except where suitable treatment has been provided in accordance with provisions of this Ordinance.

c) No person shall construct, maintain or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of waste water unless such discharge is specifically permitted and approved by the Alger County Health Department and, where appropriate, the Michigan Health Department and/or Department of Natural Resources.

d) Any structure in the City of Munising in which sewage, human excrement, or wastewater originates shall be connected, at the owner's expense, to any available sanitary sewer within ninety (90) days after receipt of written notice from the City to do so. For purposes of this subsection, a sanitary sewer is deemed to be available if it is located in the right of way, easement, highway, street or public way which crosses, joins, or abuts the property in question and passes not more than 200 feet at the nearest point from a structure in which sewage, human excrement, or wastewater originates. If the structure in which sewage, human excrement, or wastewater originates has not been connected to an available sanitary sewer within said ninety (90) day period, the City shall proceed in accordance with MCLA 333. 12754, as amended, to require connection to be made forthwith. In so proceeding, the City shall have all the rights and remedies provided in MCLA 333.12754, as amended, as well as all rights and remedies provided by this Ordinance.

3. Private Sewage Disposal.

a) If a house, building, or other premises used for human occupancy, employment, recreation or other purposes is not connected to a sanitary sewer, the building sewer shall be connected to a private waste water disposal system permitted and approved by the appropriate local and/or state health regulatory agency.

b) Within twelve months of the date a public sewer becomes available, as defined in 2(d), a direct connection thereto shall be made and any and all septic tanks, and similar private sewage or waste water disposal facilities shall be disconnected, filled with gravel or dirt, and otherwise abandoned in accord with State law.

c) All owners shall operate and maintain private wastewater disposal facilities so that the facility functions as it was designed and permitted to, at no cost to the City.

4. Building Sewers and Connections.

a) No new connection with any public sewer, and no connection or re-connection of any existing lateral extension to a public sewer shall be made until written permits for such work, including a right of way permit, have been obtained from the City. There shall be two classes of building sewer permits: One for residential and commercial service and one for service to establishments providing industrial wastes. In either case, the owner or the owner's agent, shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the City. A permit and inspection fee set by resolution of the City Commission for each class of permit shall be paid to the City when the application is filed.

b) The permit consists of a prebuilt portion and an as built portion.

c) The application for permit to connect with the public sewer system must be made in writing by the owner of the property to be connected or the owner's authorized agent. The application shall give the exact location of the property, the lot number of a lot, the name of the owner, and the name of the licensed contractor employed to do the work.

d) The prebuilt portion of the permit shall be granted on the condition that the owner for whose benefit the connection is made, shall, on the owner's behalf and on behalf of the owner's heirs, successors, and assigns, hold the City of Munising harmless for any loss or damage that may in any way result or be occasioned by the making of the connection.

e) The as built portion of the permit shall be filed with the City within five (5) days after the completion of the work and shall be accompanied by a correct as built rendering, signed by the licensed contractor, showing what was installed and location of what was installed in relation to existing landmarks.

f) No work laying laterals may be commenced or continued unless the permit is at the site of the work. No backfilling of any excavation required for the work shall occur until an employee of the City has physically inspected the work and the employee approves the construction as adequate and acceptable and the location and size of what was installed as being consistent with the permit.

g) By accepting the permit the owner agrees to indemnify and save harmless the City of Munising from all damages to persons or property caused by any negligence in performing the work, and agrees to promptly replace and restore any sidewalk, pavement or street surface over any opening the owner made to as good a state and condition as existed prior to the opening and, to the satisfaction of the City, and agrees to pay all fines and penalties imposed upon him for violation of the rules and regulations prescribed by; this Ordinance.

h) No person shall uncover, make any connection with, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

i) The applicant for a sewer construction permit shall notify City Hall when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

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

k) The owner shall be responsible, at his cost and expense, for the installation, connection, and maintenance of the building sewer to, and including, its connection with the public sewer. Should the making of public improvements, or other circumstances, result in, any such work being performed by the City the owner shall not be charged more than the sewer tap fees set by resolution of the City Commission that fiscal year.

l) A separate and independent sanitary sewer shall be provided for each building. Provided, however, where more than one building is currently served by a single sanitary sewer line, that situation shall be allowed to continue until a building so served is damaged to the extent of 75% of its value or destroyed. Before that building is repaired or replaced the owner shall comply with this section.

m) Existing building sanitary sewers may be used in connection with new buildings only when they are inspected and determined by an authorized City agent to be of adequate construction, size and location, and otherwise meet all the requirements of this Ordinance.

n) The size, slope, alignment, and construction material of a sanitary sewer, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench, shall conform to the requirements of all current local, State and Federal current codes and regulations.

o) Whenever possible, the sanitary sewer shall be brought to a building at an elevation below the basement floor. In all buildings where a building drain is too low to permit gravity flow to the sanitary sewer, sanitary sewage carried by that building drain shall be lifted by a pump or other mechanical device and discharged into the sanitary sewer.

p) No person shall make connection of roof drains and/or downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a sewer or drain which in turn is connected directly, or indirectly, to a sanitary sewer.

q) The use of public sewers is restricted to be in compliance with all N.P.D.E.S. permit requirements and other applicable state and federal regulations.

r) Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers or to a natural outlet approved by an authorized employee of the City.

s) No person shall discharge or cause to be discharged any of the following described wastewaters or waste to any public sewer:

- F.
1. Any wastewater or vapor having a temperature higher than 150 degrees
 2. Any wastewater which contains more than 50 parts per million by weight of

fat, oil, or grease.

- liquid, solid or gas.
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive
 4. Garbage which is not shredded to such a degree that (1) all particles can be carried freely under the flow conditions normally prevailing in Public Sewers and (2) no particle is greater than one-half (1/2) inch in any dimension.
 5. Any wastewater or waste that is different in kind or nature from normal domestic or light commercial wastewater or waste.
 6. Any sludge or precipitate of a substance which results from an industrial or commercial process or from the pretreatment of wastewater, waste or air pollutants.

t) When required by the City, grease, oil, sand, and garbage interceptors shall be provided by owner, at owner's sole expense, for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors, and their location, shall be of a type and capacity approved by the City.

u) Industrial waste may require a preliminary treatment facility. If a preliminary treatment facility is required, that facility shall be maintained continuously, in satisfactory and effective operation, and in accord with State law by the owner at owner's cost. The person operating or maintaining the facility shall maintain 5-year records of the sampling taken from wastewater and waste discharges and will immediately make those records available to City, upon request.

v) When required by City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with necessary meters, for sampling and measurement of the wastes. The structure shall be accessibly and safely located and shall be constructed in accord with plans approved by the City. The structure shall be installed by the owner, at owner's expense, and shall be properly and appropriately maintained by owner so as to be safe and accessible, to City personnel, at all times.

w) All measurements, tests, and analysis of the characteristics of wastewater and wastes to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods of Examination of Water and Sewage", and, if applicable, shall be determined at the control structure referred to in ¶IV, above. In the event no control structure is required, the control point shall be the nearest downstream structure and the public sewer from the point at which the building sewer is connected to the public sewer.

5. Rights of City Pertaining to Industrial and Commercial Uses.

City has the right to:

- a) Exclude industrial wastes in whole or in part for any reason;
- b) Treat industrial wastes discharged that exceed normal concentrations for an established surcharge set by resolution of the City Commission to cover the added cost of handling such wastes; and
- c) Contract with industries for treatment, provided all rates and provisions set forth in governing ordinances are adhered to.

6. Protection of System from Damage.

No unauthorized person shall access the public sewer system, or maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, equipment, or other part of the public sewer system.

7. Powers and Authority of Inspectors.

The Superintendent, and other authorized representatives of the City shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing pursuant to the provisions of this Ordinance.

8. Penalty.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by 93 days in jail and the maximum fine allowed by law. Each day a violation continues shall be considered a separate offense.

Such a violation is hereby also declared to be a public nuisance. The water and sewer service of any owner in violation of the terms and provisions of this Ordinance can be terminated by the City immediately and without notice.

Article IV, Service Provided to Premises Located Outside the City; Application, Conditions, Rates

1. Upon application of the owner of premises located beyond the corporate limits of the City of Munising the City Commission may determine, in its sole discretion, whether the premises shall be provided with City services. All provisions of this Ordinance shall be applicable to provision of those services.

2. Application: the owner shall file a written application with the City Manager showing the location of the premises and the nature of the service desired. If the City Manager is satisfied the application is complete, the City Manager may recommend the City Commission approve or disapprove the application, in his discretion. If the application receives the approval of the City Commission, the applicant, for himself, his heirs, successors and assigns, will sign an agreement with the City, in recordable form, that shall run with the land to which services are to be connected, to the effect that owners of said land will abide by the provisions of this Ordinance, and all amendments to this Ordinance, and subject themselves to all its terms, and to any additional conditions if imposed by the City Commission and stated in said Agreement. The applicant shall further make a deposit with the City in an amount equal to the estimated actual costs for all labor and material, based upon an estimate provided by the City Manager, for installation by the City of all service lines, curb stops, valves, meters, and other apparatus required. The applicant shall further submit copies of recorded easements granted for property required for installation of all such service lines, and detailed construction plans.

3. Service lines and Meters: The applicant shall pay the full cost of alterations and improvements required to connect to and/or extend the existing City system both in and out of the corporate limits of the City of Munising. A deposit determined by City shall be applied towards the actual cost, and the applicant shall pay the remainder of said cost, if any, within ten days of a request from the City. The applicant shall be solely responsible for installation and maintenance of all service lines from the existing City main.

4. Excessive Use: Excessive use of water for purposes of agriculture, raising animals or livestock, or commercial use shall be cause for discontinuance of water service to any non-resident customer.

5. Article V, Publication and Effective Date

The Clerk shall cause a copy of this Ordinance to be published in the Mining Journal within fifteen (15) days and further shall make copies of this Ordinance available for public inspection at the City offices located at 301 E. Superior St., Munising, Michigan.

Adoption History:

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