

**TITLE V: PUBLIC WORKS**

**Chapter**

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## CHAPTER 50: GARBAGE

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### **GENERAL PROVISIONS**

#### **§ 50.01 DEFINITIONS.**

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

***BUILDERS' OR CONTRACTORS' REFUSE.*** All forms of refuse generated as a result of building construction, alterations or repairs made by any person, including but not limited to homeowners, renters, contractors or tradesmen.

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**DUMP.** The approved municipal sanitary landfill and the approved municipal brush dump as shall from time to time be established by resolution of the City Council.

**GARBAGE.** Includes animal, fruit and vegetable waste materials resulting from the handling, preparation, cooking and consumption of foods.

**GARBAGE, COMMERCIAL.** Includes animal, fruit and vegetable waste materials resulting from the handling, preparation, cooking or consumption of foods in stores, markets, hotels, restaurants, and other places where food is stored, cooked, or consumed for and/or by the public.

**HAZARDOUS REFUSE.** Explosives, chemicals, radioactive materials, highly inflammable material, and any other material which is inherently dangerous or would constitute a serious hazard to the health, safety or well-being of the public.

**JUNK.** The accumulation of metal and/or parts of machines, appliances, in part or in whole, wood, brick, concrete blocks or slabs or any other material which makes an unsightly, hazardous, or unhealthy condition.

**REFUSE.** Includes all forms of disposable materials.

**REFUSE COLLECTOR.** The term shall apply to any person collecting refuse within the city, and within the municipal limits of any municipality with which the city may validly contract for the purpose of collecting of refuse from the residents of such municipality, whether such refuse collector shall be a municipal employee, a firm or an individual engaged by a municipality under formal agreement or contract, or under franchise, to collect or dispose of some or all of the refuse of the residents of such municipality, or a firm of any individual hired by an individual resident or business establishment, to collect or dispose of some or all of the refuse of such individual or business establishment, or any employee of any person engaged in the disposition of refuse for such person, or any independent contractor contracting for the disposition of refuse of any resident.

**RESIDENT.** Any person maintaining a bona fide residence, whether owner or tenant occupied, including casual occupancy for vacation or recreational purposes, and whether such occupancy is for residential, commercial, manufacturing, municipal, professional, or religious purposes. The term shall also include similarly defined persons located in any municipality which shall validly contract with the city for disposition of its refuse in the city dump.

**RUBBISH.** Includes all ordinary dry wastes, such as paper cartons, rags, boxes, barrels, wood, excelsior, leather, tin cans, glass bottles and containers, broken dishes, crockery, tree limbs not to exceed three inches in diameter, and other miscellaneous material. Material classified as rubbish shall not exceed three feet in maximum dimension.

**YARD WASTE.** Grass clippings, yard trimmings, leaves and general yard and garden waste materials.

(Ord. 63, passed 11-13-67)

**§ 50.02 BURNING OR BURYING RUBBISH; DEPOSITING REFUSE.**

(A) No person shall throw any garbage or rubbish upon the ground or bury the same upon any premises, public or private, or burn the same in any manner which shall menace the public health, or cause a nuisance or smoke, ash or offensive odors, or constitute a fire hazard.

(B) No person, firm or corporation shall deposit or scatter refuse upon any public street, alley or public property in the city.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Deposit of garbage, trash and rubbish, see § 99.09*

**§ 50.03 ACCUMULATION; DEPOSITING IN DUMP WITHOUT LICENSE PROHIBITED.**

It shall be the duty of every owner, tenant, lessee, or occupant of any building, residential or commercial, having rubbish or waste material, to provide for and have, within the building or upon the property, storage containers of sufficient size to handle the accumulation of rubbish or refuse on the premises during the interval between public and private collections. In the case of collections not taken care of by the city, there shall be no undue accumulation of materials, and the buildings and the premises shall be in a clean and orderly condition.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Deposit of garbage, trash and rubbish, see § 99.09*

**§ 50.04 TRANSPORTING GARBAGE, RUBBISH OR WASTE MATERIAL; REVOCATION OF LICENSE.**

The transporting of all garbage, rubbish, or waste material through the streets, alleys or thoroughfares within the limits of the city shall be conducted in such manner as to create no nuisance, and shall comply with all ordinances of the city. Collection vehicles for garbage shall be of a type and construction approved by the Council. All collection vehicles shall be so designed that the wheel and axle loads when fully loaded shall not exceed the schedule of weights allowed by the laws of the State of Michigan, and the city.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Collection and disposal, see § 99.11*

**§ 50.05 REFUSE, GARBAGE, ETC. TO BE REMOVED BEFORE VACATING PREMISES.**

It shall be the duty of every person occupying or controlling any lot, building, structure of any kind or any portion thereof including apartments, to remove or cause to be removed therefrom before vacating the same all refuse, garbage, rubbish or litter.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

**§ 50.06 BURNING SUBSTANCES IN DUMP PROHIBITED.**

No person other than an employee of the city acting in the course of his employment may at any time burn any substance of any nature in the city dump.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

**COLLECTION PRACTICES****§ 50.20 PREPARATION OF GARBAGE.**

(A) All garbage other than commercial garbage shall be well drained and shall be wrapped in several thicknesses of paper, and placed in containers for pickup and disposal in the city dump.

(B) Garbage for disposal in the city dump from hotels, clubs, restaurants, institutions, and other establishments for group eating other than private residences, and garbage from markets, grocery stores, vegetable stands, bakeries, canneries, and other similar establishments shall be well drained and need not be wrapped.

(C) Ashes shall be placed in separate containers, and shall be cooled and kept as dry as possible.

(D) All other refuse shall be placed in a container or containers of the size hereinafter prescribed except refuse which cannot be placed in containers because of its size and shape, and refuse not so placed in containers shall be prepared as provided under division (E) below.

(E) Any refuse not required to be placed in an approved container will be prepared as follows:

(1) Bulk incinerator refuse shall be compressed and securely tied with non-metallic material in bundles not heavier than 60 pounds, nor more than three feet in length and more than 18 inches in diameter.

(2) Noncombustible refuse shall be compressed and securely tied in bundles not heavier than 60 pounds.

(F) Hazardous refuse shall not be disposed of inside of the city by any person, except upon a permit issued by the city, which permit shall specify the location and manner of disposal of such hazardous refuse.

(G) All containers of any description must be broken open and emptied before being placed in a refuse container with other refuse.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Deposit of garbage, trash and rubbish, see § 99.09*

*Storage of trash and rubbish containers, see § 99.10*

**§ 50.21 COLLECTION OF REFUSE.**

(A) It shall be unlawful for any person other than the refuse collectors or other authorized city officials, including police officers, acting within the scope of their official duties, to collect, handle, or interfere in any manner with garbage and refuse containers, receptacles, or bulk refuse placed in the streets, alleys, or other public places in the city.

(B) Refuse to be collected by the refuse collector shall include the following items:

(1) Waste materials resulting from the usual routine of housekeeping, tin cans, tinware, ashes, porcelain ware, bottles, glassware, earthen ware, and metallic substances ordinarily discarded by householders. Newspapers if tied in bundles; cardboard boxes, if collapsed and tied; rags, leather and rubber goods, wastepaper if bundled, excelsior, and other articles which are not ordinarily burned in home incinerators, and other items included in the definition of garbage, garbage commercial, or rubbish as set forth herein.

(2) Refuse not to be collected by the refuse collector shall include builders' or contractors' refuse; trade or manufacturing wastes; and yard wastes unless contained in containers for rubbish as defined herein.

(C) All refuse collected by the refuse collector shall be placed for collection properly bundled and in proper containers as defined by this chapter in plain view along the roadside readily accessible to the refuse collector and adjacent to the premises from which collected provided that in the case of business establishments such refuse may be set out in the alley adjacent to the premises from which collected, and provided further that such refuse collector may collect such refuse from business establishments from the inside of such premises.

(D) The City Council by resolution may itself or through the City Manager arrange dates and schedules for the public collection of refuse in the various sections of the city by the refuse collector, which collection shall be at least once per week, and in the case of commercial garbage may be on a schedule agreed upon by and between the commercial establishment and the city.

(E) No owner, tenant, lessee, or occupant shall permit refuse to stand along the roadside awaiting collection for a continuous period in excess of 24 hours, and such owner, tenant, lessee or occupant shall promptly remove empty containers so placed for collection after the same have been emptied by the refuse collector.

(F) No owner, tenant, lessee or occupant shall put out garbage or set out garbage containers along any roadside or alley except in the place and on the days for collection provided for in this chapter or resolutions passed under the authority of this chapter.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Collection of trash and rubbish, see § 99.07*

*Collection of trash and rubbish, see § 99.11*

*Compulsory removal and payment of service, see § 99.12*

**§ 50.22 COLLECTION CHARGES.**

Charges for the collection of refuse under this chapter may be billed in such a manner as is established by resolution of the City Council. Such charge may be assessed and collected as a part of the annual millage assessment of the city, including such additional millage as may be permitted by the statutes of the State of Michigan, or may be paid from the general fund of the city without additional millage, or may be levied as a service charge collected in such manner as may be determined by the resolution of the City Council, or may be collected by a private hauler under the regulations established by the City Council for the city. No license shall be issued for depositing of refuse in the city dump without a charge being made for the issuance of such license, and such charge shall be commensurate with the nature of the refuse deposited therein, and the frequency and the volume of the refuse so deposited. Any collection fee assessed hereunder by the city may be billed on the city water bill.

(Ord. 63, passed 11-13-67) Penalty, see § 10.99

***Cross Reference:***

*Compulsory removal and payment for service, see § 99.12*

*Cost for trash and rubbish collection, § 99.08*

**ADMINISTRATION AND ENFORCEMENT****§ 50.35 NO DUTY TO PICK UP INDUSTRIAL WASTE OR GARBAGE.**

There shall be no duty upon the city to pick up industrial waste or garbage.  
(Ord. 63, passed 11-13-67)

**§ 50.36 NUISANCE; ABATEMENT BY CITY.**

If the owner or person in charge of any premises, after ten days' notice to him given by the city, shall neglect or refuse to abate any nuisance arising from violation of the provisions of this chapter, the city may enter upon such private premises and abate such nuisance by removal of litter, rubbish, junk, trash, garbage, refuse and the cleaning of the private premises. The cost of abating such condition plus an additional cost of 15% for overhead and other expenses will constitute a lien upon a private premises which shall be charged to the occupant or owner thereof, as the case may be. If such charge is not paid within 60 days after the bill for such charges is rendered, such charge may be collected as a single assessment against the premises in the manner provided by law, or any manner authorized for the collection of debts owed to the city.

(Ord. 63, passed 11-13-67)

***Cross Reference:***

*Compulsory removal and payment for service, see § 99.12*



**§ 50.37 MANNER OF COLLECTION AND DISPOSAL; CONTRACTING.**

(A) The city may, by resolution of the City Council, determine the manner of operation of the collection and disposal of refuse, including operation of such collection and disposal by employees of the city, and under its direct supervision and control; and including further operation by a duly licensed garbage and refuse collector by contract or franchise.

(B) If the city does not collect the refuse within its city limits it may advertise and contract with an independent contractor or grant a franchise to an independent franchisee for the collection of rubbish and garbage. This contract shall be for a duration not to exceed two years, and shall be upon such terms and conditions as the City Council may designate, within the limitations established by this chapter. The city shall duly advertise for the awarding of the contract for the collection of garbage and refuse and shall have the right to accept or reject any and all offers to contract. Bids for the contract for refuse collection shall be sealed proposals and such bids shall be opened at a public hearing after public notice. The city shall have the right to require such independent contractor to post a sufficient performance bond for the protection of the city in the event that the independent contractor forfeits or defaults his contract with the city.

(Ord. 63, passed 11-13-67)

***Cross Reference:***

*Schedule of rates and fees to be published, see § 99.13*

*Trash and rubbish collection, see § 99.07*

*Trash and rubbish collection and disposal, see § 99.11*



## CHAPTER 51: SEWERS

### Section

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**GENERAL PROVISIONS****§ 51.01 DEFINITIONS.**

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

***B.O.D. (denoting BIOCHEMICAL OXYGEN DEMAND).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C. expressed in parts per million by weight.

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

***BUILDING SEWER.*** The extension from the building drain to the public sewer or other place of disposal.

***COMBINED SEWER.*** A sewer receiving both surface runoff and sewage.

***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 distinguished from sanitary sewage.

**INSPECTOR.** The person or persons duly authorized by the city, through its City Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

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

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch in any dimension.

**PUBLIC SEWER.** A 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 facilities for collecting, pumping, treating and disposing of sewage.

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

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

**SUPERINTENDENT.** The Superintendent of the Municipal Sewage Works of the city, or his authorized deputy, agent or representative.

**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.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 49, passed 3-25-63)

**§ 51.02 UNLAWFUL DEPOSITS.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any 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.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.03 DISCHARGES TO NATURAL OUTLETS.**

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 waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.04 PRIVIES AND SEPTIC TANKS.**

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

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.05 PRIVATE SEWAGE DISPOSAL SYSTEMS.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.40, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Michigan State Board of Health.

(B) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 51.40, the property shall be connected to the public sewer system in compliance to the terms of this chapter.

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

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

(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

**§ 51.06 TAMPERING WITH OR DAMAGING SEWER EQUIPMENT.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or

tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 49, passed 3-25-63)

### ***BUILDING SEWERS AND CONNECTIONS***

#### **§ 51.20 PERMIT REQUIRED; FEE.**

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

(B) There shall be two classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial waste. In either case the owner or his agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of \$5 for a residential or commercial building sewer permit and \$15 for an industrial building sewer permit shall be paid to the City Clerk at the time the application is filed. Provided, however, that such fees shall not be charged for such permits or inspections if the service connection into the public sewer system is completed prior to December 31, 1965.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

#### **§ 51.21 COSTS TO BE BORNE BY OWNER.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said city from any loss or damage that may directly or indirectly be occasioned by said installation.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

#### **§ 51.22 SEPARATE SEWER FOR EACH BUILDING; OLD SEWERS.**

(A) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(B) Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this chapter. (Ord. 49, passed 3-25-63) Penalty, see § 10.99

### § 51.23 MATERIAL SPECIFICATIONS; JOINTS.

(A) The building sewer shall be cast iron soil pipe, ASTM specification (designation A-74) or equal; vitrified clay sewer pipe ASTM specification (designation C-13) or equal; cement asbestos pipe, such as Johns-Manville "Transite Building Sewer Pipe" with "Ring-Tite Coupling" or "K & M Building Sewer Pipe" with K & M "Fludi-Tite" Couplings or their equivalent. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe may be accepted if laid on a suitable improved bed or cradle as approved by the Inspector.

(B) All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the ASTM "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C-425).

(C) Before joining the pipe in the trench, the bell and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer, as recommended by the pipe manufacturer, shall be applied to the bell and spigot mating surfaces just before they are joined together.

(D) The top or one side of the spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

(E) Joints for extra heavy cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Other jointing materials and methods may be used only by approval of the Inspector.

(F) Plastic pipe that conforms to the Plumbing Code adopted by the State of Michigan, and its amendments, may be used as an alternative to cast iron soil pipe prescribed by division (A) above. The city hereby adopts by reference all changes and amendments of the state plumbing code insofar as they shall affect plastic pipe specifications and installation requirements.

(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64; Am. Ord. 95, passed 12-26-73)

### § 51.24 SIZE AND SLOPE OF BUILDING SEWERS.

(A) The size and slope of the building sewers shall be subject to the approval of the Inspector,



but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than 1/8-inch per foot. A slope of 1/4-inch per foot shall be used wherever practical.

(B) Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and back fill shall be performed in accordance with ASTM specification (Designation C-12) except that no back fill shall be placed until the work has been inspected by the Inspector or his representative.

(C) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.  
(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

#### **§ 51.25 CONNECTION TO PUBLIC SEWER; INSPECTIONS.**

(A) The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Inspector.

(B) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.  
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

#### **§ 51.26 EXCAVATIONS TO BE GUARDED.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights, so as to protect the property disturbed in the course of the work, and shall be restored in a manner satisfactory to the city.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

#### **§ 51.27 MAINTENANCE.**

Any section of this chapter relating to duties and obligations of persons in respect to installation and connection of building drains, building sewers, and public sewers shall apply also to maintenance of such building drain and building sewer. When requested by any person who owns lands upon which such building sewer is located to determine whether said building sewer is in good repair, the city, at

its discretion, may excavate the land of the owner for the purpose of so determining. Charges for such excavation and the manner of collecting same shall be directed by the City Council by resolution. (Ord. 73, passed 5-11-70)

### ***PUBLIC SEWER USE***

#### **§ 51.40 SEWER CONNECTION REQUIRED.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes 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 sewer or combined sewer of the city, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

#### **§ 51.41 DISCHARGES OF UNPOLLUTED WATERS.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; provided, however, that this provision shall not apply to those properties on the south side of Monroe Street between Division Street and Shepard Street.

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

(Ord. 49, passed 3-25-63; Am. Ord. 55, passed 2-10-64) Penalty, see § 10.99

#### **§ 51.42 PROHIBITED DISCHARGES.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any liquid or vapor having a temperature higher than 150° F.

(B) Any water or waste which may contain more than 100 parts per million, by weight, or fat, oil or grease.

(C) Any water or waste which may contain more than 25 parts per million, by weight, of soluble oils.

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

(E) Any garbage that has not been properly shredded.

(F) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(G) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(H) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant.

(I) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage disposal plant.

(J) Any noxious or malodorous gas or substance capable of creating a public nuisance.  
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

### **§ 51.43 GREASE, OIL AND SAND INTERCEPTORS.**

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

(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 his expense, in continuously efficient operation at all times.  
(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.44 DISCHARGES SUBJECT TO REVIEW AND APPROVAL OF SUPERINTENDENT.**

The admission into the public sewers of any waters or wastes having a five day Biochemical Oxygen Demand greater than 250 parts per million by weight, or containing more than 300 parts per million by weight of suspended solids, or containing any quantity of substances having the characteristics described in § 51.42, or having an average daily flow greater than 2% of the average daily sewage flow of the city, shall be subject to the review and approval of the Superintendent. When necessary in the opinion of the Superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to reduce the Biochemical Oxygen Demand to 250 parts per million and the suspended solids to 300 parts per million by weight, or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 51.42 or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing.

(Ord. 49, passed 3-25-63)

**§ 51.45 PRELIMINARY TREATMENT FACILITIES.**

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

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.46 CONTROL MANHOLES.**

When required by the Superintendent, 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 accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 49, passed 3-25-63) Penalty, see § 10.99

**§ 51.47 MEASUREMENTS, TESTS AND ANALYSES.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 51.42 and 51.44 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for in § 51.46 or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. 49, passed 3-25-63)

**§ 51.48 SPECIAL AGREEMENTS.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

(Ord. 49, passed 3-25-63)

**RATES AND CHARGES****§ 51.60 CONNECTION CHARGE.**

There shall be a charge of \$35 paid to the city by the owner of the premises to which the sewer service is to be rendered, or by someone in his behalf, for the privilege of connecting the sewer from the premises into the city sewer system, which sum of \$35 shall be paid in advance to the City Clerk before such connection is made. The city shall thereupon cut into the city sewer system and run the necessary pipe from the system to the property line of the premises to be serviced.

(Ord. 22, passed 12-11-50) Penalty, see § 10.99

**§ 51.61 BENEFIT CHARGE.**

There shall be charged to each owner of improved property for which sewer is available a benefit charge of \$60 per year per sewer tap, to be billed at the rate of \$5 per month. Payment may be made in advance, at the option of the owner, subject to the following definitions and exceptions:

(A) The term *IMPROVED PROPERTY* is hereby defined to be those lands on which buildings have been erected, except such buildings as are used solely for warehouses or storage space and are not connected to the sewer system.

(B) Owners of unimproved land shall be charged a standby charge of \$1 per month per sewer tap. Such charges shall accrue and become due and payable when the lands are improved and a connection to the system is made.

(Ord. 50, passed 4-22-63; Am. Ord. 56, passed 6-22-64)

**§ 51.62 SEWER SERVICE RATES.**

(A) The sewage service rates shall be charged to all buildings or premises having any connection with the system or served by the system, as follows:

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(1) Consumption charge, based on the quantity of water used, shall be \$1.25 per 100 cubic feet.

(2) The service charge shall be as follows:

<b><i>SERVICE CHARGE</i></b>	
<b><i>Meter Size</i></b>	<b><i>Charge</i></b>
5/8"	\$ 4.90
1"	9.50
2"	26.00
3"	46.90
4"	76.80

(3) Rural charges are 300% of city rate.

(B) For customers with one meter serving more than one family, (apartments, mobile homes, etc.) or multi-use establishment (commercial or otherwise) a minimum of 75% of a 5/8" meter charge will be billed for each unit plus commodity charges. The summary of the meter charges for each unit in no event will be less than the meter charge for the individual water meter size installed.

(C) The foregoing charges will be billed monthly based upon quarterly meter readings.

(D) In the event a lot, parcel of real estate, or building, discharging sanitary waste, or other liquid into the public sewer system of the city, either directly or indirectly, is not a user of water supplied by the city and the water used thereon or therein is not measured by the city water meter or by a meter acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city in order to determine the rate or charge provided for in this chapter, or the owner, or other interested party, at his own expense, may install and maintain a water meter or other water or sewage measuring device acceptable to the City Council for such purpose, and the quantity of water used, as measured by the meter, shall be used to determine the sewage service charge and it shall be charged an amount determined by the sewage service rates as herein set forth.

(E) The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner, but such billing shall in no manner relieve the owner from liability for the nonpayment of rates and charges.

(Ord. 50, passed 4-22-63; Am. Ord. 143, passed 7-14-80; Am. Ord. 171, passed 7-13-87; Am. Ord. 174, passed 10-13-87; Am. Ord. 213, passed 8-5-96)

**§ 51.63 DUE DATES AND BILLING POLICY; DISCONTINUANCE OF SERVICE.**

(A) The sewer system benefit charge of \$5 per month shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the original billing, then water services to such premises shall be discontinued without notice until such time as the over due bill is paid in full. There shall be a late payment penalty of \$10 assessed against the owner or residents of the premises having a bill not paid by the third day of the second month following the original billing. (Ord. 78, passed 10-26-70; Am. Ord. 112, passed 9-27-76; Am. Ord. 120, passed 8-8-77)

(B) Bills for sewer service rates shall be sent by the city by the fifteenth of each month for the previous month and shall be due by the twenty-fifth of each month. Water shall be turned off if bills are not paid by the third of the second month following the month in which the bills are due. (Ord. 110, passed 8-23-76; Am. Ord. 121, passed 8-8-77)

(C) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water supply to any premises for nonpayment of the sewer charges when due. Bills shall be sent by the city on the fifteenth day of each month, and shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the month in which due then services to such premises shall be discontinued.

(1) Water services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a turn off fee of \$15 and a turn on fee of \$15. Said turn off and turn on fee shall be included in the sums due whether or not service is physically discontinued to the premises. (This fee shall be known as a delinquent fee.)

(2) A maintenance turn off fee of \$7.50 and a maintenance turn on fee of \$7.50 will be charged when made during working hours. Water services so discontinued shall not be restored until all maintenance fees due and owing shall be paid. (Ord. 50, passed 4-22-63; Am. Ord. 181, passed 3-28-88)

(D) There shall be charged the sum of \$25 for an after working hours water turn off or turn on requested by an owner or occupant of a premises. (Ord. 120, passed 8-8-77; Am. Ord. 166, passed 8-11-86)

**§ 51.64 DELINQUENT CHARGES A LIEN ON PREMISES.**

The charges for sewer services which are under the provisions of Public Act 94 of 1933, § 21, as amended, being M.C.L.A. § 141.121, are made a lien on all premises served thereby unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien whenever such charge against any piece of property shall be delinquent for six months or more, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax

assessing officer of the city the fact that such delinquency exists, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof and for. Provided however, where a notice is given that a tenant is responsible for such charges and services as provided by M.C.L.A. § 141.21, no further service shall be rendered to such premises until a cash deposit of not less than one full year's service rate shall have been made as a security for the payment of such charges and service.

(Ord. 50, passed 4-22-63; Am. Ord. 181, passed 3-28-88)

#### **§ 51.65 RATES FOR INSPECTION AND REPAIR OF SEWER.**

(A) If according to a resident or property owner a public sewer becomes plugged or is in need of other services and the city is requested by the resident or property owner to inspect or repair the public sewer, the property owner or city resident thereby agrees to allow the city to dig on private property. Further, the owner or city resident agrees to pay the following fees to the city if upon investigation any problems occurring in connection with the sewer are found to be located on the homeowner's or resident's property.

(B) The minimum charge shall be \$50. The minimum charge shall encompass two man-hours of labor and the use of equipment from the time it leaves the shop where it is stored to the time it is returned to the same shop.

(C) Rates for labor and equipment over the minimum time as herein above described shall be charged according to the equipment rate schedule C of the Department of State Highways of the State of Michigan according to the current schedule as used by the Department.

(D) The above charges for labor and equipment are hereby made a lien on all premises served thereby, in accordance with the provisions of Public Act 94 of 1933, § 21, as amended, being M.C.L.A. § 141.121, unless notice is given that a tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six months, the city officials in charge of the collection thereof shall certify to the tax assessing officer of the city the fact of said delinquency, thereupon such charge shall be entered upon the next tax roll as a charge against such premises, and shall be collected and a lien thereof enforced in the same manner as general city taxes against such premises are collected and a lien thereof enforced. Provided, however, that where notice is given that a tenant is responsible for such charges and services as provided by Sec. 21 of Act 94, supra, no further service shall be rendered said premises until a cash deposit of not less than the amount due shall have been made as security for payment of such charges and services.

(Ord. 77, passed 10-12-70)



***ADMINISTRATION AND ENFORCEMENT*****§ 51.75 CITY COUNCIL TO MANAGE AND CONTROL.**

The complete sewage disposal system of the city shall be and remain under the management, supervision and control of the City Council, who may employ or designate such person or persons, in such capacity or capacities, as it seems advisable, to carry on the efficient management and operation of the system. The City Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the system.

(Ord. 50, passed 4-22-63)

**§ 51.76 RIGHT OF ENTRY OF CITY OFFICIALS.**

The Superintendent, Inspector, and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter.

(Ord. 49, passed 3-25-63)

**§ 51.77 VIOLATIONS.**

(A) Any person found to be violating any provisions of this chapter except § 51.06 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 any expense, loss or damage occasioned the city by reason of such violation.

(Ord. 49, passed 3-25-63)



## CHAPTER 52: WATER

### Section

#### *General Provisions*

- 52.01 Sale of water from municipal water plant
- 52.02 Private connection to municipal water system
- 52.03 Cross connections with public water supply

#### *Water Service Rates and Charges*

- 52.15 Water service rates
- 52.16 Billing
- 52.17 Delinquent charges a lien on premises
- 52.18 Discontinuance of service
- 52.19 No free service

#### *Private Water Wells*

- 52.30 Drilling or digging of wells; permit required; application
- 52.31 Existing water supply wells
- 52.32 Issuance of permit; restrictions
- 52.33 Potable water protection
- 52.34 Metering requirements
- 52.35 Right of entry of city officials
- 52.36 Fees and charges
- 52.37 Collection of fees; service disconnection
- 52.38 Public nuisance
- 52.39 Discontinuance of water well or water source

**GENERAL PROVISIONS****§ 52.01 SALE OF WATER FROM MUNICIPAL WATER PLANT.**

(A) All services supplied with water from the municipal water system shall be supplied only through meters furnished by the city.

(B) All meters hereafter installed as required hereby shall be furnished by the city, and shall remain the property of the city regardless of the ownership of the place of installation.

(C) All meters shall be sealed in position by an authorized agent of the city, and any persons not so authorized who shall wilfully break such a seal, or otherwise tamper with any meter in connection with the services, shall be deemed guilty of a misdemeanor and punished as provided in § 10.99.

(D) The City Council shall, from time to time, as the Council shall deem necessary, by resolution, set and determine the rates to be charged the users of water under this chapter and shall, in addition thereto, prescribe the periods at which the water meters shall be read and statements issued to the users. In the event any consumer of water shall fail, refuse or neglect to pay the water bill as rendered to him within 30 days from its issuance by the City Clerk, the Council may order such service discontinued and the meter removed from the premises.

(Ord. 2, passed 3-31-41) Penalty, see § 10.99

**§ 52.02 PRIVATE CONNECTION TO MUNICIPAL WATER SYSTEM.**

(A) Connecting or supplying lines from private property or buildings thereon to the municipal water system of the city shall be inserted and kept in good repair at the expense of the owner of the property or building, and shall not be inserted or connected with the main or distribution pipe of the municipal water system until a permit therefor shall be obtained from the city. All such connecting or supply lines shall be constructed and connected in the manner and of such materials as shall be prescribed or permitted by the ordinances of this city and the statutes of the State of Michigan and the regulations of any department of Health of the State of Michigan or any of its political subdivisions binding within the city.

(B) When requested by the owner of lands or buildings to determine whether the connecting or supplying lines are in good repair, the city, at its discretion may excavate the land of the owner for the purpose of so determining. Charges for such excavation and the manner of collecting same shall be directed by the City Council by resolution.

(C) When it shall appear to the Director of Public Works that the connecting or supplying lines to any private property or buildings are not in good repair, and that as a result thereof unmetered water is escaping therefrom, the Director shall notify such owner, in writing or by first class mail, of such fact, and shall in like manner inform such owner of his obligation hereunder to repair the line. Should the owner fail or neglect to restore the lines to good repair, within three days, the city, at its option,

may stop the flow of water from the main or distribution pipes into such connecting or supplying lines until such repairs are made, or, may excavate the lands of the owner and make such repairs, and charge therefor in such amounts and in such manner and may collect same in such manner as the City Council may determine by resolution. Nothing herein contained shall prevent the city from stopping the flow of water into any such connecting or supplying lines for normal maintenance purposes, or in any emergency which endangers the supply of water for the city, without notice.

(D) Excavation of private property whether done by the city or others for the purpose of repair of connecting or supplying lines shall be conducted in conformity with the provisions of § 97.01 of this code. The City Council may by resolution empower an officer of the city to consent to such excavation for said purpose.

(Ord. 72, passed 4-13-70) Penalty, see § 10.99

### **§ 52.03 CROSS CONNECTIONS WITH PUBLIC WATER SUPPLY.**

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

(B) The representative of the Public Works Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system 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 inspection agency 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) The city 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 connection has been eliminated in compliance with the provisions of this section.

(D) 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 system must be labeled in a conspicuous manner as: "Water Unsafe for Drinking."

(E) This section does not supersede the state plumbing code and applicable city ordinances, but is supplementary to them.

(Ord. 91, passed 3-12-73) Penalty, see § 10.99

**WATER SERVICE RATES AND CHARGES****§ 52.15 WATER SERVICE RATES.**

(A) The rates to be charged for water service furnished by the system shall be as follows:

- (1) Consumption charge, for quantity of water used, \$1.52 per 100 cubic feet.
- (2) Service charge as follows:

<i>Meter Size</i>	<i>Charges</i>
5/8"	\$ 7.90
1"	17.00
2"	49.85
3"	91.75
4"	157.60

- (3) Rural charges are 150% of city rate.

(B) For customers with one meter serving more than one family, (apartments, mobile homes, etc.) or multi-use establishment (commercial or otherwise) a minimum of 75% of a 5/8" meter charge will be billed for each unit plus commodity charges. The summary of the meter charges for each unit in no event will be less than the meter charge for the individual water meter size installed.

(C) For miscellaneous services for which, in the judgment of the City Council a special rate should be established, such rates shall be fixed and established by the City Council.

(Ord. 85, passed 4-10-72; Am. Ord. 148, passed 5-11-81; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87)

**§ 52.16 BILLING.**

Water service charges shall be billed monthly based upon quarterly meter readings.

(Ord. 85, passed 4-10-72; Am. Ord. 148, passed 5-11-81; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87)

**§ 52.17 DELINQUENT CHARGES A LIEN ON PREMISES.**

The charges for water services which are under the provisions of Public Act 94 of 1933, § 21,

as amended, being M.C.L.A. § 141.121, are made a lien on all premises served thereby unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien whenever such charge against any piece of property shall be delinquent for six months or more, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax assessing officer of the city the fact that such delinquency exists, whereupon such charge shall be by him entered upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced: provided however, where a notice is given that a tenant is responsible for such charges and services as provided by M.C.L.A. § 141.21, no further service shall be rendered to such premises until a cash deposit of \$150 shall have been made as a security for the payment of such charges and service.

(Ord. 85, passed 4-10-72; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87; Am. Ord. 180, passed 3-28-88)

#### **§ 52.18 DISCONTINUANCE OF SERVICE.**

(A) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water supply to any premises for nonpayment of the water charges when due. Bills shall be sent by the city on the fifteenth day of each month, and shall be due on the twenty-fifth day of each month. If such charges are not paid by the third day of the second month following the month in which due then services to such premises shall be discontinued.

(B) Water services so discontinued shall not be restored until all sums then due and owing shall be paid plus a turn off fee of \$15 and a turn on fee of \$15.

(C) The turn off and turn on fee shall be included in the sums due whether or not service is physically discontinued to the premises. (This fee shall be known as a delinquent fee).

(D) A maintenance turn off fee of \$7.50 and a maintenance turn on fee of \$7.50 will be charged when made during working hours. Water services so discontinued shall not be restored until all maintenance fees due and owing shall be paid.

(Ord. 85, passed 4-10-72; Am. Ord. 166, passed 8-11-86; Am. Ord. 170, passed 7-13-87; Am. Ord. 180, passed 3-28-88)

(E) There shall be charged the sum of \$25 for an after working hours water turn off or turn on requested by an owner or occupant of a premises. (Ord. 120, passed 8-8-77; Am. Ord. 166, passed 8-11-86)

#### **§ 52.19 NO FREE SERVICE.**

No free service shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. 85, passed 4-10-72)

***PRIVATE WATER WELLS*****§ 52.30 DRILLING OR DIGGING OF WELLS; PERMIT REQUIRED; APPLICATION.**

(A) No person, firm or corporation shall hereafter dig or drill within the limits of the city a water well for the purpose of supplying residential potable water within the city.

(B) No person, firm or corporation shall dig or drill a water well within the city for any other purpose excepting on application to the city and receiving a permit therefor.

(C) No such private water well water shall be sold or distributed for the use of others nor shall the water be distributed to any person, firm, or corporation off of the premises on which the well is situated.

(D) Any person, firm, or corporation desiring to dig or drill a water well within the city shall make written application therefor; which application shall specify the name of the owner of the premises whereon the well would be situated, the property address and description of said premises, the specific location of the well upon the premises, a description of the well to be drilled or dug, purpose or purposes to which the water drawn therefrom will be used, location and nature of all water supply lines which are capable of being connected to the well, and the specific reason for the use of the water supplied by the well in lieu of water available from the city's water supply system.  
(Ord. 175, passed 1-11-88) Penalty, see § 10.99

**§ 52.31 EXISTING WATER SUPPLY WELLS.**

No existing water supply well within the city shall be expanded or altered in use hereafter, nor shall further or additional connections be made to such a well except upon application for and securing a permit as provided under this section. The City Council may issue permits for wells for commercial and industrial users when the water produced by the wells is substantially consumed upon the premises or retained there and not returned to the public sanitary sewage disposal system following its use on the premises or upon other premises where the purpose of the well is to provide irrigation water which would be consumed upon the premises and not returned to the sanitary sewer system and where the irrigation wells are not connected to the water supply system of the premises which would return to the public sanitary sewer system or in like circumstances as the Council shall deem appropriate.  
(Ord. 175, passed 1-11-88) Penalty, see § 10.99

**§ 52.32 ISSUANCE OF PERMIT; RESTRICTIONS.**

(A) No permit shall be issued for the digging or drilling of the well until same has been approved by the City Council. The City Council shall not approve the permit until a written report has been



received from the Department of Public Works which indicates the well is not in conflict with the city water system or any other provisions of this subchapter.

(B) Any permit issued following approval by the City Council shall state any limitations or restrictions deemed proper or appropriate for the use of the water wells proposed by the City Council.

(C) Permits issued hereunder for the digging or drilling of a well shall expire six months after the date of issuance thereof unless the well digging or drilling project is then actively ongoing and in such event shall continue so long as the activity shall continue and shall expire upon the completion of drilling or the termination of the activity. Further, any permits issued prior to the effective date hereof shall be subject to this time limitation, said six-month period shall commence upon the effective day of this subchapter.

(Ord. 175, passed 1-11-88)

### **§ 52.33 POTABLE WATER PROTECTION.**

(A) Any water outlet which is or which could be used for potable or domestic purposes and which is not supplied by the public water supply system must be labeled in a conspicuous manner as follows: "WATER UNSAFE FOR DRINKING."

(B) Any water outlet which is, or which could be used for potable or domestic purposes and which is not supplied by the public water system shall be tested annually for coliform bacteria and nitrates, at the expense of the owner of the source. The testing shall be conducted by and through the Van Buren County Health Department or equivalent State of Michigan Agency or certified laboratory to determine the quality of the water issuing therefrom.

(C) In the event that any such water outlet is found upon testing of division (B) above to be contaminated (found unfit for human consumption due to biological or other contamination) it shall be immediately removed from use and shall not thereafter be returned to use, until it is demonstrated that the water is free from said contaminants.

(D) The owner and/or operator of any such water supply outlet shall deliver to the Public Works Department a copy of the test report required in division (B) above upon receipt and failure to annually file said report shall be a violation hereof. A copy of test report shall also be filed with the Van Buren County Health Department.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

### **§ 52.34 METERING REQUIREMENTS.**

(A) Any water well or other water supply or source not a part of the city water supply system which is or is capable of being connected to the sanitary sewage disposal system of the city shall be equipped with a city water meter installed by the city at the owner's expense.

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(B) All of the connections and installation facilities shall be installed at the expense of the property owner or water well or water supply system owner if other than the property owner in accordance with such regulations as the Department of Public Works shall establish.

(C) The meter shall be read as though the same were connected to the city water supply system for the purpose of establishing sewer system fees and charges as though the water had been supplied from the city water supply system.

(D) Each private well or water supply shall be inspected at least annually by the city to determine the integrity of the system from the water supply to the meter and to assure that same is maintained as installed.

(E) Any water well or other water supply source in existence as of the effective date hereof which is equipped with a water meter owned by the premises owner or proprietor shall be subject to testing and verification of the accuracy of the meter. The property owner shall have the meter tested and verified for its accuracy and shall provide a copy of the report to the Department of Public Works for testing and verification at the owner's expense. Any such private meter shall be tested and certified annually.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

**§ 52.35 RIGHT OF ENTRY OF CITY OFFICIALS.**

Representatives of the Water Department or Department of Public Works shall have the right to enter at any reasonable time any property served by a private water well or system for the purpose of inspecting the piping system thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. Refusal of such information shall be deemed as evidence that the water supply system is connected and serving the public sanitary sewage disposal system. The Water Department is hereby authorized and directed to disconnect the water service after reasonable notice to any property wherein the connection is in violation of this subchapter and to take such other precautionary measures as are deemed reasonably necessary to eliminate any danger of contamination of the public water supply system and/or sanitary sewage disposal system.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

**§ 52.36 FEES AND CHARGES.**

In addition to the usage fees for the sewer system set forth in § 52.34(C), the following fees and charges shall apply to all private wells and other water supply systems within the city:

(A) Permit application fees: \$25

(B) Installation and inspection fee: \$90

(C) Monthly meter rental: \$4.90

(D) Annual inspection fee: \$25

(E) Disconnect fee: \$300

(F) Reconnection fee: \$400

(G) Private meter testing and certification fee: \$50  
(Ord. 175, passed 1-11-88)

### **§ 52.37 COLLECTION OF FEES; SERVICE DISCONNECTION.**

(A) In the event that sewer systems fees and charges and the fees and charges provided for in § 52.36 are not paid by the third of the second month following the month in which they are due, then the city shall disconnect the premises from the city sanitary sewage disposal system and the cost of disconnection shall be added to the sums then due in fees and charges.

(B) Prior to the reconnection of services, the owner and operator of the well or water system shall pay all delinquent charges and a reconnection charge and shall further place with the city a security deposit in an amount equal to the disconnection and reconnection charges, plus the estimated sewer system fees and charges and other monthly fees and charges sufficient to cover a period of three months in advance.

(C) The security deposit shall be retained by the city for a period of 18 months and for as many months thereafter as the billings shall be delinquent for the premises after the date of the security deposit. At the expiration of the period, the city shall return the security deposit to the person making the deposit, without interest. It shall be the responsibility of the person making the deposit to notify the city of any change in address after the date of making the same.

(D) Charges for services hereunder shall be a lien upon all premises served thereby and whenever any such charge against any piece of property shall be delinquent for six months, the city official or officials in charge of collection thereof shall certify annually on March 1 of each year to the tax assessing officer of the city the facts of such delinquency whereupon the charge shall be by him entered upon the next tax roll as a charge against the premises and shall be collected as a lien therefor and enforced in the same manner as the general city taxes against such premises are collected in a lien thereof and the lien therefor enforced.

(E) In addition to other remedies, the city shall have the authority to collect in an action at law all charges, fees and services hereunder against the owner of the premises.  
(Ord. 175, passed 1-11-88)

**§ 52.38 PUBLIC NUISANCE.**

The operation, maintenance, digging or drilling of a water well within the city other than in conformance with this subchapter and any plumbing installed thereto not in accordance with this subchapter and rules and regulations adopted pursuant hereto shall constitute a public nuisance and the Public Works Department shall cause connection of same with the city systems to be shut off and to be kept shut off until the same is brought into compliance with this subchapter and the rules and regulations thereunder.

(Ord. 175, passed 1-11-88)]

**§ 52.39 DISCONTINUANCE OF WATER WELL OR WATER SOURCE.**

In the event the use of a water well or water source is discontinued the water well or water source must be properly capped and sealed. Failure to do so shall be a violation hereof.

(Ord. 175, passed 1-11-88) Penalty, see § 10.99

## CHAPTER 53: PUBLIC IMPROVEMENTS

### Section

#### *Special Assessment Procedure*

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- 53.03 Authority for assessment
- 53.04 Initiation of projects; reconsideration
- 53.05 Report to be filed with Council; determination on project; notice of hearing
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- 53.20 Deferred payments of special assessments
- 53.21 Hazards and nuisances
- 53.22 Additional procedures

***Statutory reference:***

*Special assessments, see M.C.L.A. §§ 211.741 et seq.*

***Cross-reference:***

*Special assessments, see Charter Chapter XI*

***SPECIAL ASSESSMENT PROCEDURE*****§ 53.01 TITLE.**

This chapter shall be known and may be cited as the "Special Assessment Ordinance" of the City of Bangor, Michigan.

(Ord. 82, passed 1-10-72)

**§ 53.02 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 local public improvement shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

***LOCAL PUBLIC IMPROVEMENT.*** Any public improvement which is of such a nature as to benefit especially any real property or properties within a district in the vicinity of such improvement.  
(Ord. 82, passed 1-10-72)

**§ 53.03 AUTHORITY FOR ASSESSMENT.**

The whole cost or any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner hereinafter provided.  
(Ord. 82, passed 1-10-72)

**§ 53.04 INITIATION OF PROJECTS; RECONSIDERATION.**

(A) Proceedings for the making of local public improvements within the city, the tentative necessity thereof, and the determination that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited, provided that all special assessments levied shall be in proportion to the benefits derived from the improvements, may be commenced by resolution of the Council, with or without a petition.

(B) Local public improvements may be initiated by petition signed by property owners whose aggregate property in the proposed district was assessed for not less than 60% of the total assessed value of the privately-owned real property located therein, as shown by the last preceding general tax records of the city. Such petition shall contain a brief description of the property owned by the

respective signatories thereof and if it shall appear that the petition is signed by at least 60% as aforesaid the Clerk shall certify same to the Council. The petition shall be addressed to the Council and filed with the Clerk and shall in no event be considered directory but is advisory only.

(C) In the event that the Council shall fail to make any public improvement petitioned for under the provisions of division (B) above during the calendar year during which any petition is filed, such petition shall be reconsidered by the Council prior to the first day of March of the succeeding calendar year for the purpose of determining whether such improvement should be made during such calendar year.

(Ord. 82, passed 1-10-72)

**§ 53.05 REPORT TO BE FILED WITH COUNCIL; DETERMINATION ON PROJECT; NOTICE OF HEARING.**

(A) Before the Council shall consider the making of any local public improvement, the same shall be referred by resolution to the City Manager directing him to cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of cost, an estimate of the life of the improvements, a description of the assessment district or districts, and such other pertinent information as will permit the Council to decide the cost, extent and necessity of the improvement proposed and what part or proportion there should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the city at large. The Council shall not finally determine to proceed with the making of any local improvement until such report of the City Manager has been filed, nor until after a hearing has been held by the Council for the purpose of hearing objections to the making of such improvement.

(B) After the City Manager has presented the report required in division (A) above for making any local public improvement as requested in the resolution of the Council, and the Council has reviewed said report, a resolution may be passed tentatively determining the necessity of the improvement, setting forth the nature thereof, prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property especially benefited determined of benefits received by affected properties, and what part, if any, shall be paid by the city at large; designating the limit of the special assessment district to be affected, designated whether to be assessed according to frontage or other benefits, placing the complete information on file in the office of the City Clerk, where the same may be found for examination, and directing the City Clerk to give notice of public hearing on the proposed improvement, at which time and place opportunity will be given interested persons to be heard. Such notice shall be given by one publication in a newspaper published or circulated within the city and by first class mail addressed to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the city, and said publication and mailing to be made at least 15 days prior to the date of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Council.

(C) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceeding is required in order to appeal the amount of the special assessment

to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made.

(D) An owner or party in interest, or his agent may appear in person at the hearing to protest the special assessment or shall be permitted to file his appearance or protest by letter and his personal appearance shall not be required.

**Statutory reference:**

*City to maintain records of protesting parties, see M.C.L.A. § 211.741(4)*  
(Ord. 82, passed 1-10-72)

**§ 53.06 HEARING ON NECESSITY.**

At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may modify the scope of the local public improvement in such a manner as they shall deem to be in the best interest of the city as a whole; 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 prescribed in § 53.05. If the determination of the Council shall be to proceed with the improvement, a resolution shall be passed approving the necessary profiles, plans, specifications, assessment district and detailed estimates of cost, and directing the Assessor to prepare a special assessment roll in accordance with the Council's determination and report the same to the Council for confirmation.

(Ord. 82, passed 1-10-72)

**§ 53.07 DEVIATION FROM PLANS AND SPECIFICATIONS; LIMITATIONS ON PRELIMINARY EXPENSES.**

(A) No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the city without authority of the Council by resolution. A copy of the resolution authorizing such changes or deviation shall be certified by the City Clerk and attached to the original plans and specifications on file in his office.

(B) The Council shall specify the provisions and procedures for financing a local public improvement. No contract or expenditure, except for the cost of preparing necessary profiles, plans, specifications and estimates of cost, shall be made for the improvement, nor shall any improvement be commenced until the special assessment roll, to defray the costs of the same, shall have been made and confirmed.

(Ord. 82, passed 1-10-72)

**§ 53.08 SPECIAL ASSESSMENT ROLL; ASSESSOR TO FILE.**

(A) The 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 spread in each case shall be based upon the detailed estimate of the City Clerk as approved by the Council.

(B) When the Assessor shall have completed such assessment roll he shall file the same with the City Clerk for presentation to the Council for review and certification by it.  
(Ord. 82, passed 1-10-72)

#### § 53.09 MEETING TO REVIEW SPECIAL ASSESSMENT ROLL.

(A) Upon receipt of such special assessment roll, the City Council, by resolution, shall accept such assessment roll and order it to be filed in the office of the City Clerk for public examination, shall fix the time and place the Council will meet to review such special assessment roll and direct the City Clerk to give notice of a public hearing for the purpose of affording an opportunity for interested persons to be heard. Such notice shall be given by one publication in a newspaper published or circulated within the city and by first class mail addressed to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the city, said publication and mailing to be made at least 15 full days prior to the date of the hearing.

(B) The hearing required by this section may be held at any regular, adjourned or special meeting of the Council. At this meeting, all interested persons or parties shall present in writing their objections, if any, to the assessments against them. The Assessor shall be present at every meeting of the Council at which a special assessment is to be reviewed.

(C) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceeding is required in order to appeal the amount of the special assessment to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made.

(D) An owner or party in interest, or his agent may appear in person at the hearing to protest the special assessment or shall be permitted to file his appearance or protest by letter and his personal appearance shall not be required.

***Statutory reference:***

*City to maintain records of protesting parties, see M.C.L.A. § 211.741(4)*  
(Ord. 82, passed 1-10-72)

#### § 53.10 CHANGES AND CORRECTIONS IN ASSESSMENT ROLL.

The City Council shall meet at the time and place designated for the review of such special assessment roll, and at such meeting, or a proper adjournment thereof, shall consider all objections thereto submitted in writing. The Council may correct said 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, annul such assessment roll and direct that new proceedings be instituted. The same proceedings shall

be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such changes as the Council deems justified, the Council determines that it is satisfied with the special assessment roll and that assessments are in proportion to benefits received, it shall thereupon pass a resolution reciting such determinations, confirming such roll, placing it on file in the office of the City Clerk and directing the City Clerk to attach his warrant to a certified copy thereof within ten days therein commanding the Assessor to spread and the Treasurer to collect the various sums and amounts appearing thereon as directed by the Council. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in § 53.14.

(Ord. 82, passed 1-10-72)

#### **§ 53.11 OBJECTION TO ASSESSMENT.**

If at, or prior to, the final confirmation of any special assessments, more than 50% of the number of owners of privately owned real property, to be assessed for an improvement, or, in the case of paving or similar improvements more than 50% of the number of owners of frontage to be assessed for any such improvement, shall not be made by proceedings delineated by this chapter without a four-fifths vote of the members elect of the Council entitled to vote therein provided that this section shall not apply to sidewalk construction.

(Ord. 82, passed 1-10-72)

#### **§ 53.12 DUE DATE; PARTIAL PAYMENTS.**

(A) All special assessments, except such installments thereof as the City Council shall make payable at a future time as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll.

(B) The Council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed 30 in number, the first installment being due upon confirmation of the roll or on such date as the Council may determine and deferred installments being due annually thereafter, or in the discretion of the Council, may be spread upon and made a part of each annual city tax roll thereafter until all are paid. Interest shall be charged on all deferred installments at a rate not to exceed 7% per annum, or such other rate of interest as permitted by applicable state statute, commencing on the due date of the first installment and payable on the due date of each subsequent installment; the full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due date thereof. If the full assessment or the first installment thereof shall be due upon confirmation, each property owner shall have 60 days from the date of confirmation to pay the full amount of said assessment, or the full amount of any installments thereof, without interest or penalty. Following said 60-day period, the assessment or first installment thereof shall, if unpaid, be considered as delinquent and the same penalties shall be collected on such unpaid assessments or first installments thereof as are provided in the City charter to be collected on

delinquent general city taxes. Deferred installments shall be collected without penalty until 60 days after the due date thereof, after which time such installments shall be considered as delinquent and such penalties on said installments shall be collected as are provided in the City Charter to be collected on delinquent general city taxes. After the Council has confirmed the roll, the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the City Treasurer to give said notice or of such owner to receive said notice shall not invalidate any special assessment roll of the city or any assessment thereon, no excuse the payment of interest or penalties.

(Ord. 82, passed 1-10-72)

**§ 53.13 DELINQUENT SPECIAL ASSESSMENTS; CREATION OF LIEN.**

(A) Any assessment, or part thereof, remaining unpaid on the first Monday of March following the date when the same became delinquent shall be reported as unpaid by the Treasurer to the Council. Any such delinquent assessment, together with all accrued interest shall be transferred and reassessed on the next annual city tax roll in a column headed "Special Assessments" with a penalty of 4% upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes.

(B) Special assessments and all interest penalties and charges thereon from the date of confirmation of the roll shall become a debt to the city from the persons to whom they are assessed, and, until paid, shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by general law for state and county taxes and by the City Charter for city taxes, and the lands upon which the same are a lien shall be subject to sale therefor the same as are lands upon which delinquent city taxes constitute a lien.

(Ord. 82, passed 1-10-72)

**§ 53.14 ADDITIONAL ASSESSMENTS; REFUNDS.**

The City Clerk shall, within 60 days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the Assessor who shall adjust the special assessment roll to correspond therewith. Should the assessment prove larger than necessary by 5%, or less, the same shall be reported to the Council which may place the excess in the city treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than 5% the entire excess shall be credited to owners of property as shown by the city assessment roll upon which such assessment has been levied, pro rata according to the assessment, provided, however, that no refunds of special assessments may be made which impair, or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments. When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by the lot or parcel of land.

(Ord. 82, passed 1-10-72)

**§ 53.15 COLLECTION OF SPECIAL ASSESSMENTS.**

In the event bonds are issued in anticipation of the collection of special assessments as hereinbefore provided, all collections on each special assessment roll or combination of rolls shall be set in a separate fund for the payment of the principal and interest on the bonds so issued in anticipation of the payment of such special assessments and shall be used for no other purpose.

(Ord. 82, passed 1-10-72)

**§ 53.16 SPECIAL ASSESSMENT ACCOUNTS.**

Moneys raised by special assessment to pay the cost of any local improvements shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, expenses incidental thereto, including the repayment of the principal and interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.

(Ord. 82, passed 1-10-72)

**§ 53.17 CONTESTED AMOUNTS.**

No suits or action of any kind shall be constituted or maintained for the purpose of contesting or enjoining the collection of any special assessment unless within 30 days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it has claimed such assessment is illegal, and unless such suit or action shall be commenced within 60 days, after confirmation of the roll. However, an owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purposes of confirming the roll.

(M.C.L.A. § 211.746) (Ord. 82, passed 1-10-72)

**§ 53.18 REASSESSMENT FOR BENEFITS.**

Whenever the City Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

(Ord. 82, passed 1-10-72)

**§ 53.19 COMBINATION OF PROJECTS.**

The City Council may combine several districts into one project for the purpose of effecting a saving in the costs; provided, however, that for each district there shall be established separate funds and accounts to cover the cost of the same.

(Ord. 82, passed 1-10-72)

**§ 53.20 DEFERRED PAYMENTS OF SPECIAL ASSESSMENTS.**

The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and Assessor, by reason of poverty are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the city shall require mortgage security on the real property of the beneficiary payable on or before his death, or, in any event, on the sale or transfer of the property.

(Ord. 82, passed 1-10-72)

**§ 53.21 HAZARDS AND NUISANCES.**

When any lot, building, or structure within the city, because of the accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the city or those of them residing or habitually growing near such lot, building, or structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or the owner of the building or structure itself, specifying the nature of the hazard or nuisance, and requiring such owner to alter, repair, tear down, or remove same promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the hazard or nuisance. If, at the expiration of the time limit in the notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such a hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, and the costs of such abatement, assessed against the lot, premises or description or real property upon which said hazard or nuisance was located.

(Ord. 82, passed 1-10-72)

***Cross-reference:***

*Weed and grass tax on general assessment roll, see § 95.03*

**§ 53.22 ADDITIONAL PROCEDURES.**

In any case where the provisions of this chapter may prove to be insufficient to carry out fully the making of any special assessment, the City Council shall provide by ordinance any additional steps or procedures required.

(Ord. 82, passed 1-10-72)

