

85.000

SEWER USE AND INSTALLATION*
Ord. No. 34 (1 of 1969)

An ordinance regulating the use of public and private sewers and drains; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and providing penalties for the violations of sections thereof; in the Village of Hopkins, Michigan.

THE VILLAGE OF HOPKINS ORDAINS:

85.001 Definitions.

Sec. 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- B. *Superintendent* shall mean the Superintendent of the Municipal Sewage Works of the Village of Hopkins, Michigan, or his authorized deputy, agent, or representative.
- C. *Inspector* shall mean any person or persons duly authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D. *Sewage* shall mean 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.
- E. *Sewer* shall mean a pipe or conduit for carrying sewage.
- F. *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Cross references—Sewer operation and maintenance, Pt. 86; outdoor gatherings, Pt. 12.

- G. *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.
- H. *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- I. *Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- J. *Industrial wastes* shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- K. *Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- L. *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch in any dimension.
- M. *Building drain* shall mean 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.
- N. *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- O. *B.O.D. (denoting Biochemical Oxygen Demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under stan-

dard laboratory procedure in 5 days at 20 degrees C, expressed in parts per million by weight.

- P. *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
 - Q. *Suspended solids* shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquid; and which are removable by laboratory filtering.
 - R. *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
 - S. *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
 - T. *Person* shall mean any individual, firm, company, association, society, corporation, or group.
 - U. *Shall* is mandatory; *May* is permissive.
- (Adopted: 12-3-69)

85.002 Use of public sewers required.

Sec. 2.

- A. 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 Hopkins, Michigan, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided

in accordance with subsequent provisions of this Ordinance.

- C. 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.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village 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 Village, is hereby required at his 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 Ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. Said owner shall in any event, however, so connect to said proper public sewer within 6 months after the completion of the installation thereof.

(Adopted: 12-3-69)

85.003 Public sewage disposal.

Sec. 3.

- A. Where a public sanitary or combined sewer is not available under the provisions of Sec. 2-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.
- B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- C. At such times as a public sewer becomes available to a property served by a sewage disposal

system as provided in Sec. 2-D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

(Adopted: 12-3-69)

85.004 Building sewers and connections.

Sec. 4.

- A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the Village of Hopkins and deposited with the Treasurer a corporate surety bond in the sum of \$1000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority or any Ordinances of the Village of Hopkins pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Hopkins and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing as prescribed in this Ordinance. Such a bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as

to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

- B. There shall be two classes of building sewer permits:
1. For residential service, and
 2. For service establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the said Village. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector. A permit and inspection fee of \$20.00 (TWENTY AND NO/100 DOLLARS) for a residential or commercial building sewer permit and \$50.00 (FIFTY AND NO/100 DOLLARS) for an industrial building sewer permit shall be paid to the Village Clerk at the time the application is filed.

- C. All costs and expense incidental 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 indirectly be occasioned by said installation.
- D. 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 through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.
- E. 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

said Inspector to meet all requirements of this Ordinance.

- F. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the Current A.S.T.M. Specifications for Standard Extra Strength Clay Sewer Pipe, Asbestos Cement meeting the current A.S.T.M. Specifications, or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. The use of schedule 40 plastic pipe and fittings that meet the standards are also permitted for building sewer materials - commercial standard 270-65 for ABS, commercial standard 272-65 for PVC. The plastic pipe fittings and solvent cements must be approved by the National Sanitation Foundation Testing Laboratory, Ann Arbor, Michigan, and bear the NSFC seal of approval to assure compliance with the standards. PVC and ABS pipe fitting and solvent cements shall not be used interchangeably.

If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or asbestos cement or plastic or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by said Inspector.

- G. 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 current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C 425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay

pipe. The joints and connections shall conform to the manufacturer's recommendations.

- H. The size and slope of the building sewers shall be subject to the approval of the said Inspector, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one-eighth inch per foot.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. 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 said Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no back fill shall be placed until the work has been inspected by the Inspector or his representative.
- J. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
- K. 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 said Inspector.
- L. The applicant for the building sewer shall notify the said 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 said Inspector or his representative.

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

(Adopted: 12-3-69; amended: Ord. No. 36 (2 of 1970), 9-14-70)

Editor's note—Subsection B. regarding permit and inspection fees will be amended pursuant to the Code Adoption Ordinance.

Cross reference—Excavations of public highway, Pt. 88.

85.005 Use of the public sewers.

Sec. 5.

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said 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. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said 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. 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.
- E. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole or upon suitable samples taken at said 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.

(Adopted: 12-3-69)

Cross references—Swimming pool waste disposal, § 116.008; drains, Pt. 89.

85.006 Protection from damage.

Sec. 6. No unauthorized 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.

(Adopted: 12-3-69)

Cross reference—Destruction of public property, § 53.001(10).

85.007 Powers and authority of inspectors.

Sec. 7. The superintendent, inspector, and other duly authorized employees of the Village 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 Ordinance.

(Adopted: 12-3-69)

85.008 Penalties.**Sec. 8.**

- A. Any person found to be violating any provision of this Ordinance except Sec. 7, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Sec. 8-A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than ten (\$10.00) dollars and not more than ninety-nine (\$99.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

(Adopted: 12-3-69)

85.009 Conditions of service.

Sec. 9. At the time of construction of the public sewer, the Village may install the lateral service to the lot or easement line and thereupon assess the cost of same to the owner of the respective premises. The owner shall install and maintain at his expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from said lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Village but in no event shall the diameter be less than six (6) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

The Village, after the completion of said construction and installation, shall thereupon furnish sewer service to the said premises in accordance with the conditions as stated below and shall charge such rate for such service as shall be in accordance with the obligations of said Village for the construction of the said sewer system as specified above and for the maintenance of same including the furnishing of said sewer service.

- A. [Reserved for future use.]
- B. Applications may be cancelled and/or sewer service discontinued by the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

2. Nonpayment of bills for said sewer service or nonpayment of other charges properly due the Village in connection with the said sewerage works.
 3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- C. Bills and notices relating to the conduct of the business of the Village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village; and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
- D. 1. Bills for sewer service are due and payable at the business office of the Village or to any designated agent, on their date of issue. The past due date shall be the fifteenth day of the month after the period of service. Bills will be dated and mailed every three months.
2. All bills not paid on or before the past due date shall be termed delinquent, and the Village shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within 30 days after date due, the water and/or sewer service to the user will be subject to discontinuance, or other measures as State Law will allow.
- E. Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Village have been paid.

- F. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- G. The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- H. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.
- I. Special terms and conditions may be made where sewer service is used by the Village or community for public purposes such as public parks, etc.
- J. These rules may be changed or amended.
(Adopted: 12-3-69)

85.010 Repeal.

Sec. 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
(Adopted: 12-3-69)

85.011 Ordinance in force.

Sec. 11. This Ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Michigan.
(Adopted: 12-3-69)

Part 86

86.000 SEWER OPERATION AND MAINTENANCE
Ord. No. 35 (1 of 1970)

An ordinance to provide for the operation and maintenance of the Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins) on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

THE VILLAGE OF HOPKINS ORDAINS:

86.001 Lessee and agent, Village of Hopkins.

Sec. 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Hopkins, that the Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins) be operated by said Village as lessee and agent of Allegan County and the Allegan County Board of Public Works on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

(Adopted: 1-29-70)

86.002 Definitions.

Sec. 2. Whenever the words "*the System*" are referred to in this Ordinance, they shall be understood to mean the complete Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins), including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "*revenues*" and "*net revenues*" are used in this Ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
(Adopted: 1-29-70)

*Cross reference—Sewer use and installation, Pt. 85.

86.003 Operation and maintenance.

Sec. 3. The operation, maintenance, alteration, repair, and management of the System shall be under the supervision and control of the Village Council, subject to the terms of the contract dated December 16, 1969, between the County of Allegan and the Village of Hopkins. Said Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the official management and operation of the System.

(Adopted: 1-29-70)

86.004 Rates and charges.

Sec. 4. Rates to be charged for service furnished by the System shall be as follows:

Sewer Use Charges

Sewer charges to each single-family residential premises served by the System shall be in the flat amount of \$8.50 per month. Each premises other than a single-family residence shall pay a monthly charge of \$8.50 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios; provided, however, that the minimum monthly charge to any premises shall be \$8.50.

Tap Charge

Each single-family residential premises tapping into the System and securing therefrom sewer service shall pay, in cash, at the time of application for the tap a charge for the privilege of using the facilities and receiving the service of the System the amount of \$400.00, plus such sums as will compensate the Village for the

cost of making and inspecting the tap. In the alternative, agreement may be made at the time of application for a tap permit to satisfy said charge over a period of five (5) years, in which event the charge shall be in the amount of \$450.00, payable at the rate of \$22.50 quarterly on the regular bill; provided, however, that in the event of such choice, the cost of making and inspecting the tap shall be paid in cash before application for the tap permit, and provided further that premises other than single-family residential shall pay such charge, either in cash or over a five-year period, in the appropriate amount multiplied by the ratio factor for such class of premium as established for sewer charges above.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

Billing

Bills will be rendered quarterly, payable without penalty within fifteen (15) days after the date thereon. Payments received after such period shall bear a penalty of ten per cent (10%) of the amount of the bill.

Enforcement

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year, to the tax-assessing officer of the Village the facts of such delinquency, 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 Village taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$25.00 shall have been made as security for payment of such charges and service.

In addition to the foregoing, the Village shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by Court action.

(Adopted: 1-29-70; amended: Ord. No. 43 (1 of 1978), 2-13-78)

86.005 No free service.

Sec. 5. No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.
(Adopted: 1-29-70)

86.006 Rate sufficiency.

Sec. 6. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Village to the County of Allegan pursuant to the aforesaid contract between said County and the Village of Hopkins as the same become due, and to provide for such other expenditures and funds for said

System as this Ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Adopted: 1-29-70)

86.007 Operating year.

Sec. 7. The System shall be operated on the basis of an operating year corresponding with that of the Village.

(Adopted: 1-29-70)

86.008 Funds; flow of funds.

Sec. 8. The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in a federally insured banking institution with a branch located in the County of Allegan, State of Michigan, and in an account to be designated SEWAGE DISPOSAL SYSTEM RECEIVING FUND (hereinafter referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund from time to time in the manner hereinafter specified.

- A. *Operation and maintenance fund.* Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- B. [Deleted]
- C. *Replacement fund.* There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall

be set aside into said fund, after provision has been made for the Operation and Maintenance Fund, such revenues as the Village Council shall deem necessary for this purpose.

- D. *Improvement fund.* There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.
- E. *Surplus moneys.* Moneys remaining in the Receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council, be transferred to the Improvement Fund or used in connection with any other project of the Village reasonably related to purposes of the System.
- F. *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

86.009 Transfer of funds.

Sec. 9. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

86.010 Investment of funds.

Sec. 10. Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act

94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Adopted: 1-29-70)

86.011 Validity.

Sec. 11. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

(Adopted: 1-29-70)

86.012 Repeal.

Sec. 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

(Adopted: 1-29-70)

86.013 Publication.

Sec. 13. This Ordinance shall be published once, in full, in the *Penasee Globe*, a newspaper of general circulation within the boundaries of the Village and qualified under State law to publish legal notices, within two (2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and Village Clerk.

(Adopted: 1-29-70)

86.014 Effective date.

Sec. 14. This Ordinance shall become effective immediately upon its adoption.

(Adopted: 1-29-70)

Part 87

87.000

SIDEWALK CONSTRUCTION

Ord. No. 5 (5 of 1921)

THE VILLAGE OF HOPKINS ORDAINS:

87.001 Specifications.

Sec. 1. That hereafter all cement sidewalks constructed within the Village of Hopkins shall not be less than 4 feet in width and built of material and a grade approved by Council of said Village.
(Adopted: 7-19-21)

87.002 Payment of cost.

Sec. 2. Any cement sidewalk so constructed as provided for in Sec. 1 of this Ordinance shall be constructed by the Village, one-half of said cost of construction to be paid by the owners of the land adjacent to and abutting said sidewalk, or upon his or her refusal to do so said costs shall be assessed and collected in the regular Village taxes. Payment schedule to be at Village Council discretion.

Part 88

88.000

PUBLIC HIGHWAYS; EXCAVATIONS*

Ord. No. 22 (101)

An ordinance to control the use of public highways within the corporate limits of the Village of Hopkins.

THE VILLAGE OF HOPKINS ORDAINS:

88.001

Permit required.

Sec. 1. No person or corporation shall lay or cause to be layed any pipe, tile, drains or pipelines for the carrying or transportation of any fluid or gas in any of the public streets of the Village of Hopkins without first obtaining a permit from the Village Council.

88.002

Application for permit.

Sec. 2. Any person or corporation desiring to lay any pipeline, drain, sewer, or other means for the transportation of any fluid or gas in any of the streets within the corporate limits of the Village of Hopkins shall make application in writing directed to the Village Council for a permit so to do. Each application for permit herein provided shall be accompanied by a detailed drawing of the location of the proposed pipeline or sewer together with detailed construction plans and a statement of the proposed use.

88.003

Bond; fee.

Sec. 3. Each person making application for a permit as herein provided shall post a bond payable to the Village of Hopkins in the amount of one thousand dollars which bond shall be conditioned upon the restoration of the street surface to its original condition and the full compliance with the terms of this Ordinance. Each application shall be accompanied by payment of the sum of ten dollars which sum shall be

*Cross reference—Street excavations, §§ 25.008, 26.003, 85.004(m).

retained by the Village and used for the purpose of enforcing this Ordinance.

88.004 Certificate of insurance.

Sec. 4. Before the Council in the Village of Hopkins shall issue any permit under the terms of this Ordinance of the contractor or person making application for permit herein provided shall post a certificate of insurance with the Village Clerk indicating that such person or contractor is carrying public liability insurance in a sum of not less than ten thousand dollars.

88.005 Excavation, depth.

Sec. 5. All pipes, drains, or sewers laid in the public streets shall be buried to a depth of 18 inches or more below the normal surface of the street and the trench refilled and repacked so as not to constitute a hazard to the normal street traffic.

88.006 Barricades, lights, warning signals.

Sec. 6. During the excavation, the laying, and refilling the trench for the laying of pipes in the public streets, barricades, lights and warning signs shall be erected and maintained by the person or persons undertaking this work, which barricades, lights, and warning signs shall reasonably protect the public in the use of the street.

88.007 Conditions for construction.

Sec. 7. No construction shall be undertaken under the permit herein provided which shall unreasonably interfere with normal street traffic and shall be completed within a reasonable time.

88.008 Application of ordinance.

Sec. 8. Terms of this Ordinance shall not apply to the usual municipal functions in the Village of Hopkins.

88.009 Enactment; violation, abatement.

Sec. 9. This Ordinance is enacted under the Police Power of the Village as set forth in Chapter 7 of the Charter of the Village of Hopkins and under the authority of Section 5.1404 Michigan Statutes Annotated and is hereby declared to be necessary to protect the public health, welfare, and safety. Any violations of the terms of this Ordinance is hereby declared to be a nuisance which may be abated by any appropriate means by the Council of the Village of Hopkins.

88.010 Effective date.

Sec. 10. This Ordinance because of the urgency of the situation and of the need to protect the public health, welfare, and safety is hereby declared to be immediately effective. It is directed that publication of this Ordinance be made in compliance with Section 4 of Chapter 6 of the Charter of the Village of Hopkins.

Part 89

89.000

DRAINS*
Ord. No. 58

An ordinance to control the emptying of surface water into drains other than storm drains, and for the prevention of the emptying of storm water into drains leading into sanitary sewage drains; and to prevent the draining of storm water through conduits or in other concentrated form unto sidewalks within the Village of Hopkins.

THE VILLAGE OF HOPKINS ORDAINS:

89.001 Surface water; prohibited.

Sec. 1. It shall be unlawful for any person, firm or corporation to empty by conduit, eavestrough, conductor pipe, or other manner, any surface water into any drain that leads directly or indirectly to a drain containing sanitary sewerage.

89.002 Conduit accoutrements; connection; permit.

Sec. 2. No downspout, eavestrough, or any conduit from any building in the Village of Hopkins shall be connected into any drain without having first made application to the Village Clerk on forms to be provided in the office of the Village Clerk by the Village of Hopkins, which application shall be accompanied by the fee of \$50.00 to defray in part, the expenses of having the Village Representative examine the proposed drain connection to see that it complies with this Ordinance. On the Representative so certifying to the Clerk, the Village Clerk shall then issue a permit for the connection of such drain to a proper drain handling only surface water.

89.003 No water to run on sidewalks.

Sec. 3. No water from any building shall be run from such building through any conduit, conductor pipe or eavestrough and cast upon any sidewalk within the Village of Hopkins.

*Cross reference—Discharging storm or surface water, § 85.005(A).

89.004 Unauthorized water flow to sewer to be disconnected.

Sec. 4. Any drain presently taking surface water from any premises or building within the Village of Hopkins by downspout, eavestrough, conductor pipe or other means so that surface water from any premises or building is emptied into any drain other than those approved by the Village Representative shall be disconnected within thirty days from the passage of this Ordinance.

89.005 Violations and penalties.

Sec. 5. Any person, firm or corporation who shall violate this Ordinance shall be subject to a fine not exceeding \$100.00 or to imprisonment not exceeding ninety days at the discretion of the Court together with costs of prosecution.

Parts 90—99. Reserved.

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