MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, JANUARY 3, 2024

Mayor McLennan called the meeting to order at 9 am. WWTP Supt. Hansen led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Officer Bruce Collins, MS Director Alex Harimoto, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda as presented.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:
Ray Hansen introduced Jeff Janowiec the new WWTP employee. Jeff provided background information.
Alex Harimoto addressed Council regarding a CFNEM grant that was received to assist with education for children to cross streets safely. A marketing assistance grant was also received. A hot cocoa crawl is scheduled for February 2, 2024, a career expo is scheduled on February 22, 2024, and a mural festival is scheduled for June. Council Member Nowak inquired about students being on the Planning Commission, Council and DDA.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Bielas, that the minutes of the Regular Council Meeting of December 19, 2023 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:
CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $298,716.14 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:
City Mgr. Hefele reported on the plow truck application, pavilion remodel, warranty of water main on first street, travel lift and boat storage, snowmobile trail, ordinances, rental inspections, collective bargaining with a wage study and test well development.

COMMISSION AND LIAISONS: None.

MAYOR:
Mayor McLennan reported on the adopt-a-sign program and inquired how to get meetings on You-Tube.

January 3, 2024

UNFINISHED BUSINESS: None.

NEW BUSINESS:

APPOINTMENTS
RESOLUTION NO. 2024-1
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to appoint Council Member Nowak as Mayor Pro Tem, Mayor McLennan to the Ambulance Authority, NEMCOG, Presque Isle County Emergency Planning, and the Main Street-DDA, Council Member Adair to the Fire Authority and Harbor Advisory, Council Member Fuhrman to the Planning Commission and Council Member Bielas to Parks and Recreation and HUNT.
ROLL CALL: Ayes – All, the motion carried.

PARADE APPROVAL
RESOLUTION NO. 2024-2
A motion was made by Council Member Adair, seconded by Council Member Nowak, to approve 2024 parades including the Little League Parade, Memorial Day Parade, Flag Day Parade, Pirate Parade, Nautical Festival Grand Parade, Nautical Festival Antique Car Parade, Nautical Festival Kiddie Parade, RCHS Fall Homecoming Parade, Halloween Parade and Christmas Light Parade.
ROLL CALL: Ayes – All, the motion carried.

USDA-RD PLOW TRUCK GRANT/LOAN
RESOLUTION NO. 2023-3
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to authorize City Mgr. Hefele to execute and submit a pre-application through USDA-RD to purchase two plow trucks and schedule a Public Hearing in consideration of the request for February 6, 2024 at 6 pm.
ROLL CALL: Ayes – All, the motion carried.

CONFLICT OF INTEREST POLICY
RESOLUTION NO. 2024-4
A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the Conflict of Interest Policy with the changes recommended by City Atty. Vogler.
ROLL CALL: Ayes – All, the motion carried.

SCHEDULE WORKSHOP
City Mgr. Hefele reviewed the need for the workshop regarding the water pipe for the First Street project.

OTHER BUSINESS: None.

ADJOURNMENT:
With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 9:49 am.

_____ _____
SCOTT MCLENNAN, MAYOR TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, JANUARY 16, 2024

Mayor McLennan called the meeting to order at 6 p.m. Alex Harimoto led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, MS Director Alex Harimoto, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Bielas, seconded by Council Member Nowak, to approve the agenda with the addition of a zoning amendment.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:
Alex Harimoto stated that the Hot Cocoa Crawl is scheduled for February 2, 2024 from 4 to 7 pm and a Career Expo is February 22, 2024. Harimoto also stated that the Student non-voting member was in attendance and introduced Sofia Mina who is a Sr. at Rogers City High School. Sofia Mina addressed Council regarding her community interest and history of volunteerism.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of January 3, 2024 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:
CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $390,011.28 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:
City Mgr. Hefele stated he will be out of the office for several weeks but will be available by phone and email, the USDA application is moving along and the ice rink will start being flooded tomorrow.

COMMISSIONS AND LIAISONS: None.

MAYOR:
Mayor McLennan stated that Erika Comerford had to step down from Parks and Recreation, but would like to re-appoint Renee Szymanski to Parks and Recreation and he is looking for an additional LOCC committee member.

RESOLUTION NO. 2024-5
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the Mayor's re-appointment of Renee Szymanski to the Parks and Recreation Commission with the term to expire September 2026.
ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS:

SNOWMOBILE TRAIL
City Mgr. Hefele reviewed the proposed route. Consensus of Council was to contact the soil conservation district and MDOT before contacting the residents on the route.

BRADLEY HWY SPEED LIMIT
City Mgr. Hefele reviewed the information he has found and will be contacting MML.

NEW BUSINESS:

COBRA ADMINISTRATIVE AGREEMENT
RESOLUTION NO. 2024-6
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to authorize City Mgr. Hefele to sign the COBRA Administrative agreement.
ROLL CALL: Ayes – All, the motion carried.

PENINSULA FIBER NETWORK (PFN) LEASE
City Mgr. Hefele reviewed the current parameters.

RESOLUTION NO. 2024-7
A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to negotiate with Peninsula Fiber Network with the authorization to accept less than $2,000.
ROLL CALL: Ayes – All, the motion carried.

POVERTY EXEMPTION
RESOLUTION NO. 2024-8
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the 2024 Poverty Exemption Policy and Guidelines as presented.
ROLL CALL: Ayes – All, the motion carried.

2023-24 2ND QTR FINANCE REPORT/BUDGET MINUTES
RESOLUTION NO. 2024-9
A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the FY2023-2024 2nd quarter finance report and budget amendments as presented.
ROLL CALL: Ayes – All, the motion carried.

SCHEDULE WORKSHOP
RESOLUTION NO. 2024-10
Consensus of Council was to hold a Workshop on, Friday, January 19, 2024 at 9:30 am with a Special meeting at 10 am regarding marina travel lift/building and the First Street warranty issues.

January 16, 2024

AIRPORT ROAD/PARK DRIVE ACQUISITION
City Mgr. Hefele reviewed the information in the meeting packet.

RESOLUTION NO. 2024-11
A motion was made by Council Member Nowak, seconded by Council Member Adair, to accept the fee ownership of Airport Road and Park Drive as outlined in the meeting packet.
ROLL CALL: Ayes – All, the motion carried.

ZONING AMENDMENT
RESOLUTION NO. 2024-12
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to send the request to the Planning Commission to make a recommendation on the amendment and schedule a public hearing for review.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:
Discussion was had on possible grooming of cross-country skiing trails.

CLOSED SESSION:
RESOLUTION NO. 2024-13
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to enter into Closed Session to discuss collective bargaining.
ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 7:00 p.m. Upon reconvening in public session at 7:10 pm, the following action was taken.

RESOLUTION NO 2024-14
A motion was made by Council Member Adair, seconded by Council Member Bielas, to approve the AFSCME Letter of Understanding regarding the employment of Jeff Janowiec.
ROLL CALL: Ayes – Adair, Bielas, Nowak and McLennan.
Nays: - Fuhrman, the motion carried.

ADJOURNMENT:
With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:12 p.m.

_____ _____
SCOTT MCLENNAN, MAYOR TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE WORKSHOP OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON FRIDAY, JANUARY 19, 2024

ROLL CALL: Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

Other City Personnel Present: City Atty. Mike Vogler, Harbor Master Wayne Saile, Police Chief Jamie Meyer (out 9:45 am), Officer Matt Bisson (in 9:45 am), City Planner Toby Kuznicki, City Mgr. Joe Hefele (via Zoom), Water Supt. Chuck Kieliszewski (in 9:37 am) and City Clerk/Treasurer Terri Koss.

Mayor McLennan opened the workshop at 9:30 am

The purpose of the workshop was to review possible Marina improvements and First Street warranty.

Harbor Master Saile reviewed the options for boat storage. Mayor McLennan reviewed the status of fishing and treaty negotiation.
Consensus of Council was to move forward with a quote for consulting regarding the Marina improvements.

City Mgr. Hefele reviewed the history of the First Street project and the main breaks that have occurred.

Eric Cronk and Justin Wing were in attendance via zoom. City Atty. Vogler inquired about the piece of pipe that was damaged. Vogler also explained the call back warranty and if there is a manufacturing defect or installation defect it is the responsibility of the contractor, and stated that we need to get paid for the work Curtis Excavating did to repair the break, if they don't pay it we will be forced to make a claim. Consensus of Council was to move forward with the pipe testing.

The workshop concluded at 10:33 am.

_____ _____

Mayor Scott McLennan City Clerk/Treasurer Terri Koss

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, FEBRUARY 6, 2024

Mayor McLennan called the meeting to order at 6 pm and led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Bielas, seconded by Council Member Nowak, to approve the agenda with the addition of poverty exemption policy revisions.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of January 16, 2024 and the Workshop and Special meeting of January 19, 2024 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:
CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $305,929.74 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:
Discussion was had regarding putting Council meetings on some type of media for viewing.

COMMISSION AND LIAISONS: None.

MAYOR:
Mayor McLennan reported on the success of the Cocoa Crawl.

UNFINISHED BUSINESS:
BRADLEY HWY SPEED LIMIT
City Mgr. Hefele reviewed the steps that have been taken to reduce the Bradley Hwy speed limit. Consensus of Council was to continue moving forward with the legislation change.

M68-US23 FOUR WAY STOP
City Mgr. Hefele reviewed information regarding a 4-way stop trial at the US-23/M-68 intersection. Consensus of Council is to not move forward with a 4-way stop study at this time.

RESOLUTION NO. 2024-15
A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to not move forward with the 4 way stop at the US-23/M-68 intersection study at this time.
ROLL CALL: Ayes – All, the motion carried.

MARINA LIFT AND BUILDING
City Mgr. Hefele reviewed the research that has been done and the upcoming deadlines. Discussion was had on the pros and cons of the proposed changes.

PENINSULA FIBER NETWORK (PFN) LEASE
City Mgr. Hefele reviewed his negotiation on the lease amount with PFN.

RESOLUTION NO. 2024-16
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the lease agreement with PFN and have Mayor McLennan and Clerk Koss sign the updated lease agreement.
ROLL CALL: Ayes – All, the motion carried

POVERTY EXEMPTION
City Mgr. Hefele reviewed the need for the change in the recently approved policy.

RESOLUTION NO. 2024-17
A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the amended 2024 Poverty Exemption & Guidelines as presented.
ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

PUBLIC HEARING – APPLICATION FOR USDA-RD FOR PLOW TRUCKS
Mayor McLennan opened the public hearing at 6:45 pm. There were no public comments. The public hearing was closed at 6:47 pm.

RESOLUTION NO. 2024-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROGERS CITY APPLICATION FOR RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT/LOAN PURCHASE OF TWO PLOW TRUCKS

The following resolution was offered by Council Member Bielas, seconded by Council Member Nowak, at a regular, scheduled meeting of the City Council of the City of Rogers City conducted February 6, 2024:

WHEREAS, the City of Rogers City must employ a dependable fleet of plow trucks to keep its roads free of snow and allow emergency personnel to access those in need; and

WHEREAS, the City is currently attempting to nurse along an aging fleet of plow trucks aged 11, 16, 20, 24, and 27 years old; and

WHEREAS, that fleet is both highly undependable and extremely expensive to keep operable; and

WHEREAS, the estimated cost of each new plow truck is $250,000, and at least two of the City's existing trucks should be replaced, at an estimated total cost of $500,000; and

WHEREAS, the City does not have the cash flow to purchase two new trucks outright and is unable to finance them through the terms offered by traditional lenders; and

WHEREAS, through its Community Facilities Program, USDA Rural Development offers grants, as well as loans featuring below-market interest rates and longer financing terms; and

WHEREAS, the City has budgeted a down payment of $100,000 for two new trucks and can afford to finance the balance if offered these lower interest rates and longer repayment schedules;

THEREFORE, BE IT RESOLVED, that the City of Rogers City apply to USDA Rural Development's Community Facilities Program for a grant/loan totaling $400,000 to replace the two oldest plow trucks in its fleet.
ROLL CALL: Ayes – All, the motion carried.

SIGNER ON FEDERAL PLOW TRUCK DOCUMENTS
RESOLUTION NO. 2024-19
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve City Mgr. Hefele as signer on USDA Federal plow truck documents, retroactive to January 1, 2024.
ROLL CALL: Ayes – All, the motion carried.

CONVERSION OF FIRE HALL SPACE TO CONFERENCE ROOM STORAGE
RESOLUTION NO. 2024-20
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to amend the budget as out lined in the manager's report to complete the conversion of a portion of the old fire hall to a conference space.
ROLL CALL: Ayes – All, the motion carried.

PAVILION BATHROOM BIDS
RESOLUTION NO. 2024-21
A motion was made by Council Member Nowak, seconded by Council Member Bielas, to reject the bid that was received for the Pavilion Bathroom project as it was too high.
ROLL CALL: Ayes – All, the motion carried.

SCHEDULE CDBG CLOSEOUT PUBLIC HEARING
RESOLUTION NO. 2024-22
A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to schedule the public hearing for the close out of CDGB First Street funding for Tuesday, February 20, 2024 at 9 am during the next regular scheduled Council Meeting.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:
RESOLUTION NO. 2024-23
A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, to recognize RCPD Officer Joseph Kerr for his recent life saving actions. City Mgr. Hefele to write a letter of commendation with Mayor McLennan to sign.
ROLL CALL: Ayes – All, the motion carried.

CLOSED SESSION:
RESOLUTION NO. 2024-24
A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to enter into Closed Session for collective bargaining strategy and written legal opinion.
ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 6:58 p.m. Upon reconvening in public session at 7:13 pm the following action was taken.

RESOLUTION NO. 2024-25
A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve the AFSCME Letter of Understanding regarding the hiring of Kaleb Budnick.
ROLL CALL: Ayes – Adair, Bielas, Nowak and McLennan.
Nayes – Fuhrman, the motion carried.

February 6, 2024

RESOLUTION NO. 2024-26

A motion was made by Council Member Adair, seconded by Council Member Nowak, authorizing City Atty. Vogler to contact the other party's attorney, stating the City would settle the dispute by approving the previous representation. City employees will do the prep work and Netta's will plant the shrubs with the cost not to exceed $3,000.

ROLL CALL: Ayes – All, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:18 p.m.

_____ _____

SCOTT MCLENNAN, MAYOR TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, FEBRUARY 20, 2024

Mayor McLennan called the meeting to order at 9 am. Council Member Bielas led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
OTHER CITY PERSONNEL PRESENT – Police Chief Jamie Meyer, Officer Joseph Kerr, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda with the addition of election compensation and removal of the closed session.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:
Rachel Goodstein addressed Council regarding Lakeside Park and the Marina.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of February 6, 2024 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

Mayor McLennan addressed Officer Kerr's recent life saving actions and presented him with a letter of commendation.

CITY CLERK'S REPORT:
City Clerk/Treasurer reported on the nine-day early voting for the Presidential Primary.

CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $244,508.82 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:
City Mgr. Hefele stated that proposals for new trucks are due by Friday.

COMMISSION AND LIAISONS: None.

MAYOR:
Mayor McLennan would like to appoint Roger Wenzel to Parks and Recreation and Matthew Bredow to Local Officers Compensation Commssion.

RESOLUTION NO. 2024-27
A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the appointment of Roger Wenzel to the Parks and Recreation Commission with the term

to expire September 2026 and appoint Matthew Bredow to the Local Officers Compensation Commission with the term to expire September 2028.
ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

LINING OF WATER MAINS

Bill Bolen Carl Forrester, Carlos Rocha and Graham Beeby with USG addressed Council regarding lining water mains, a short video presentation was played. No action was taken.

CITY HALL SIDING
RESOLUTION NO. 2024-28

A motion was made by Council Member Nowak, seconded by Council Member Adair, to amend the City Hall capital outlay expense budget by $25,000 for the installation of siding on City Hall.
ROLL CALL: Ayes – All, the motion carried.

NAUTICAL FESTIVAL
RESOLUTION NO. 2024-29

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the Nautical Festival requested with staff to work with them

1. Permission to hold the Nautical City Festival from Tuesday, July 30th through Sunday, August 4th at Lakeside Park.
2. Permission to close Lake Street from Ontario to Michigan and Michigan and Erie from First Street to Lake Street for the entirety of the Nautical Festival.
3. City to obtain necessary permits for the Festival parades. Kiddie Parade Route: Westminster Church (3rd St.) to Huron to Marina. Antique Car Show August 3 at 3:30 pm and Grand Parade 3rd St. (Gilpen Field) to Friedrich Street (Driftwood).
4. "NO PARKING" signs on Third Street on Sunday, August 6th from Woodward to Huron Avenue. Handicapped parking to be on east side of Third Street from Woodward to Ontario.
5. Provide Police protection where required.
6. Obtain Police and Fire Chief approval for the shooting of fireworks.
7. Permission to leave beer truck at tent area. Truck will be locked at all times.
8. Pavilion restrooms open for the public from 9 a.m. to 7 p.m. The Festival Committee will have a contract for cleaning the pavilion bathrooms.
9. Fireworks on Carmeuse property if the fireworks are cancelled, they will be held the Saturday following the Festival.
10. Request the use of the Sports Park (the Hole) and the Little League Fields for the P.I.C. Men's & Women's Slow Pitch Softball Tournament on Saturday and Sunday, August 3rd and 4th.
11. Request that any concessions/vendors that request permits to operate during the Festival week must also have a signed contract with the Nautical Festival Committee to operate.
12. Permission to use Westminster Park Saturday, August 3rd for the car show.
13. Permission to place up to an 80' x 270' tent on the Marina parking lot. The tent company to put stakes in the asphalt and plug holes when stakes are removed.
14. City Band to play at Lakeside Park band shell on Tuesday, July 30th from 7- 8:30 p.m.
15. Permission to use the band shell when necessary during the Festival.
16. Request Handicap Parking signs at North end of Court House Square on Huron for the Arts & Crafts Show Thursday, August 1st through Sunday, August 4th.

17. City to pick up bagged garbage and broken down boxes at curbside each day during the Arts & Crafts Show.
18. City to waive the "No Animals in Lakeside Park" Ordinance for two hours prior and two hours after Pet Show.
19. School parking lot to be allowed for self-contained camper use by crafters participants only. (No softball players will be allowed). Permit only.

ROLL CALL: Ayes – All, the motion carried.

HOUSING STANDARDS

City Mgr. Hefele reviewed the Planning Commission's recommendation to add 24-foot minimum width.

ORDINANCE NO. 2024-1

A motion was made by Council Member Adair, seconded by Council Member Nowak, to introduce the following for first reading:

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-34 OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO REMOVE EXISTING STANDARDS FOR MANUFACTURED HOMES NEWLY SITED ON INDIVIDUAL LOTS AND ADD NEW STANDARDS FOR ONE- OR TWO-FAMILY DWELLINGS NEWLY SITED ON INDIVIDUAL LOTS

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-34 (Manufactured Homes on Individual Lots), is renamed "One-Family and Two-Family Dwellings on an Individual Lot" with the text amended as follows (all text in bold with strikethrough is eliminated, while all language in shaded bold italics is added).

~~**A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:**~~

~~**A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.**~~

~~**B. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.**~~

~~**C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards" and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.**~~

~~**D. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.**~~

~~**E. No manufactured home shall be located or placed in Rogers City without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current HUD rules and regulations and District Health Department regulations.**~~

~~**F. Manufactured homes shall not be used as accessory buildings.**~~

A newly sited One Family or Two Family dwelling on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards, unless otherwise allowed by this ordinance:

A. A One Family or Two Family dwelling shall incorporate exterior building wall, foundation and roof configurations that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. The minimum width across any front, side, or rear elevation shall be 24 feet. The average width-to-depth or depth-to-width ratio of the dwelling, as measured along the outside of the perimeter walls, shall not exceed 2.5 to one. The roof over-hang shall be a minimum of six inches on at least two sides. Minimum width and maximum depth-to-width ratio do not apply to secondary dwelling units allowed by §32-280

B. No One Family or Two Family dwelling shall be located or placed in Rogers City without prior completion of site preparation including but not limited to electric, water, sanitary sewer, and foundation.

C. A One Family or Two Family dwelling shall have exterior materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding, windows, porches, shingles and other roofing materials.

D. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards" the Michigan Manufactured Housing Commission regulations and current State of Michigan Building code, except that all such dwellings shall be attached to a crawl space, basement or approved slab-on-grade foundation, and shall have the same perimeter dimensions as the dwelling.

E. Manufactured home construction shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.

F. Manufactured homes shall have wheels, axles, and towing assembly removed before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis. Any skirting shall be similar in appearance to brick or masonry block.

G. Manufactured homes shall not be used as accessory buildings.

H. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

I. Determinations. This Section is not intended to prohibit innovative architectural design, or site features. The compatibility of design and appearance shall be determined by the City Planner. Any determination of compatibility shall be based upon these standards, with a comparison to the character, design, and appearance of the surrounding residential neighborhood, but excluding manufactured homes located in a manufactured housing community.

Section 2. If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3. The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

Section 5. This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

ORDINANCE NO. 2024-2
CITY WATER UTILITY FIRST READING

A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, to introduce the following for first reading:

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 2 OF THE ROGERS CITY CODE OF ORDINANCES TO UPDATE, CLARIFY, REPLACE, AND CORRECT PORTIONS OF THE TEXT TO ALLIGN THEM WITH EXISTING STATUTES, REGULATIONS, STANDARDS, AND PRACTICES

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 18 (Utilities), Article 2 (City water Utility), is hereby amended to read as follows, with language in shaded bold italics to be added, and language in bold, with strike-through, eliminated:

ARTICLE II. - CITY WATER UTILITY

Sec. 18-26. - Definitions.

Sec. 18-27. - Service connection~~**, permit**~~ fees.

Sec. 18-28. - Turning on and off water service at the curb stop.

Sec. 18-29. - Water meters.

~~**Sec. *18-29*. - Meter location.**~~

Sec. ***18-30***. - Access to meters.
Sec. ***18-31***. - Reimbursement for damage ***to meters***.
~~**Sec. 18-33. - Meter failures.**~~
~~**Sec. 18-34. - Inaccurate meters.**~~
~~**Sec. 18-35. - Accuracy required.**~~
~~**Sec. 18-36. - Bill adjustment.**~~
Sec. ***18-32***. - Fire hydrant use.
Sec. ***18-33***. - Water emergency orders.
Sec. ***18-34***- Additional regulations.
Sec. ***18-35***. - Injury to facilities.
Sec. ***18-36***. - Cross connections.
Sec. ***18-37*** – Groundwater protection; declaration of necessity
Sec. ***18-38*** – Groundwater protection; Methods of reducing potential contamination
Sec. ***18-39*** – Private water wells
Secs. ***18-40*** —18-60. - Reserved.

Sec. 18-26. - Definitions.

The following definitions shall apply in the interpretation of this article:

City Right of Way means the area on, below, or above the entire boundary of a public roadway, alley, or easement of the City,

City Water Distribution System means all mains, connections, pipes, meters, hydrants and appurtenances connected with or served by the city water system.

~~***Connection Fees* means the required fees established for the cost of water service connections.~~

Department means the water department of the City.

Frontage or Area Fees means a fee charged ~~**(for construction after July 1, 2002)**~~ ***by the City*** to recover the costs of extending ***a Water Main to a property where City water had been previously unavailable*** ~~**the mains and providing the service.**~~

~~***Meter Installation fee* means the required fee established for the cost of installing water meters on the premises served.**~~

~~***Ready To Serve Fee* means the customer's financial contribution toward pre-existing and ongoing system wide costs.**~~

Superintendent means the superintendent of the ***water*** department or his authorized representative.

Tap-In Fee means the fee established ***by the City*** to offset City costs to tap the Water Main and provide a Water Service Connection, ***paid as a lump sum when the Water Service Connection is Installed***.

Water Main means that part of the city water distribution system located within ***the City right of way*** ~~**easement lines or streets**~~ designed to supply more than (1) water service connection.

Water Meter Fee means the required fee established to offset the cost of the water meter.

Water Service Connection means the appurtenances and piping material ***inside the City right of way*** from the water main to and including the curb stop ~~**or, in commercial applications, up to**~~ ***at or near*** the property line.

Water Service Line means ~~**that part of the water service**~~ ***the appurtenances and piping material outside the City right of way*** from the curb stop ***at or near the property line*** to the water meter setting.

Sec. 18-27. - Service connection~~, permit~~ fees.

~~**a)**~~ Application for water connections shall be made to the City on forms prescribed and furnished by the Department. The Department may refuse to authorize a larger service line than reasonably required by the premises served. Water Service Connections and water meters shall be installed by the City, or an approved, licensed and insured contractor, in accordance with rules and regulations of the City and upon payment of the required ***Frontage or Area Fee, Tap-In Fee and Water Meter Fee*** ~~**connection fees, the water meter fee and meter installation fee**~~. All meters and Water Service Connections shall be the property of the City***. Tap-In*** ~~**Connection**~~ Fees shall not be less than the cost of materials, installation and overhead attributable to such installations. ~~**and the cost of providing service. The Council shall, from time to time, fix an amount for connection fees based on the costs of providing the service.**~~

~~b)~~ ***All fees and charges*** **~~The Water Connection Fee and monthly user charges~~** shall be as prescribed by resolution of the City Council and adjusted accordingly to reflect the cost of providing the service and shall be as follows: ***~~(See Comprehensive City Fee Schedule)~~***

~~1) Ready to Serve Fee shall be based upon factors including: Size of water service line, distribution and treatment capacity, capital costs of distribution and treatment, storage, buildings, overhead and administration.~~ ***~~Ready to Serve Fee~~*** **~~shall mean: An initial fee levied on all new connections to the system and/or a onetime fee levied on a user when there is a change in size of water service line or an increase in volume usage which changes the otherwise applicable Ready to Serve charge. (See Fee Schedule)~~**

~~2)~~ *Tap-In Fee:* A **~~minimum~~** charge ***for the installation of a Water Service Connection by the City, requested by the property owner, covering the costs to*** ~~to (See Fee Schedule) based upon the costs to cut and~~ remove street pavements and related street features, excavate trenches, tap services into water mains, install water service connections, backfill and compact trenches, and repair the street pavement, curb and gutter, sidewalks, and landscaping. ***The property owner shall be responsible for costs to install the Water Service Connection in excess of the minimum charge established by the City.*** **~~For services that exceed the minimum charge, the property owner will be billed for additional costs. Payments for installation of services must be received prior to beginning work and will be based on actual costs upon completion of work. Work shall be inspected and approved by the City.~~** The property owner is responsible for all **~~installation~~** *costs* ***associated with installation of, and repairs to, the Water Service Line***, **~~from the property line to the building and the installation shall be~~** ***with the work to be inspected and approved by the City***. **~~Note:~~** ***~~For water services installed by Special Assessment or by Private Developers, the Tap-In Fee may be reduced or waived, but the full cost of the water service connection, including repair of roadway base and pavement, (all to City of Rogers City specifications), shall be paid by the property owner.~~***

~~3)~~ *Frontage or Area Fees:* **~~(for construction after July 1, 2002)~~** ***A charge*** **~~may be charged in order~~** to recover the costs of extending the ***Water*** Main***, if requested by a property owner and if necessary to provide water service to the property.*** **~~if necessary and providing the service.~~** ***~~Frontage and Area Fees~~*** **~~may be levied before connection to the system for properties that have never had water service previously; or where a water main is presently installed to service the premises.~~** ***~~Frontage or Area Fees~~*** **~~will be computed based upon actual costs of providing the services, including the extension of mains and leads to the property line.~~** **~~Note:~~** ***~~Properties in which Special Assessments have been levied or private developers have paid for utility construction, Frontage or Area Fees may be waived.~~***

~~4) The Connection Fees shall be waived for utilization of a service that served a former structure on the property,~~ ***~~providing the existing water service size is adequate.~~***

5) *Water Meter Fee*: ***A charge to offset the cost of installing a new water meter, including the cost of the meter itself***. **~~will be the cost for a water meter applicable to the water service size.~~**

~~6) The above~~ ***~~Connection Fees shall not be considered retroactive.~~*** **~~In cases where connection fees, special assessments or agreements have been previously reached and/or paid for, those agreements shall be honored.~~**

7) ***Monthly User Charges*** **~~(See Fee Schedule)~~**

~~(a) Commodity Charge (per 100 cubic feet used)~~

~~(b) Billing Charge (Administrative cost)~~

~~(c) Capital Charge (Debt retirement and Capital improvements)~~

Sec. 18-28. - Turning on and off water service at the curb stop.

a) No person, other than an authorized employee of the Department, shall turn on or off any water service at the curb stop.

b) No person shall remove the cover from any curb stop or place any dirt, stone, or other obstruction in it, or tamper with it in any way so as to obstruct the use thereof. No person shall impede the Department's ability to operate the curb stop by placing items, including but not limited to vehicles, on top of it. In addition to the penalties described in Sec. 1-8 and any other legal remedies that may be available, the City may take steps to remove the obstruction necessary to access and operate the curb stop and pass along all costs associated with doing so to the customer.

Sec. 18-29. - Water meters.

All premises using water shall ~~**break or injure the seal or install,**~~ change the location of, alter, or interfere in any way with, any water meter. ~~**The Superintendent, with the approval of the City Manager, may authorize service on flat rate charges where it is not practical to install a meter.**~~

~~**Sec. 18-30. - Meter location.**~~

~~**Meters shall be set in an accessible location and in a manner satisfactory to the Superintendent. Where the premises contain no basement or cellar or other satisfactory inside location, a remote recording device shall be installed outside in a location which shall be approved by the superintendent. Where a remote recording device is necessary such device shall be furnished and installed at the expense of the owner as directed by the department.**~~

Sec. *18-30*. - Access to meters.

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

Sec. *18-31*. - Reimbursement for damage *to meters*.

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of ***the owner, agent, or tenant*** ~~**either of them**~~ to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill which shall be based on time and materials, and shall be collected as specified in Article IV of this chapter for the collection of service charges.

~~**Sec. 18-33. - Meter failures.**~~

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

~~**Sec. 18-34. - Inaccurate meters.**~~

~~**A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.**~~

~~**Sec. 18-35. - Accuracy required.**~~

~~**A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.**~~

~~**Sec. 18-36. - Bill adjustment.**~~

~~**If a meter has been tested at the request of a consumer and shall have been determined to register "fast" the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the department may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."**~~

Sec. *18-32*. - Fire hydrant use.

No person shall open or use any fire hydrant connected with the City water distribution system unless duly authorized by the ***Superintendent*** ~~**City**~~ to do so. ~~**nor in any case for other than a public purpose**~~.

Sec. *18-33*. - Water emergency orders.

The City Manager may regulate, limit, or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation, or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City. Any person violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 1-8.

Sec. *18-34*. - Additional regulations.

The City Manager may make and issue additional rules and regulations concerning the water distribution system, ***and*** connections thereto, ***including water meter repair and replacement***, ~~**meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto,**~~ not inconsistent herewith. Such rules and regulations shall be effective upon approval by the ***City*** Council. ~~**The rules and regulations now in effect shall continue until changed in accordance with this section.**~~

Sec. *18-35*. - Injury to facilities.

No person, except an employee of the City in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the City water distribution system.

Sec. *18-36*. - Cross connections.

a) The City adopts by reference the water supply cross connections rules ***and regulations included in Part 14 of the Michigan Safe Drinking Water Act Administrative Rules (SDWA)*** ~~**of the state department of health being R325.431 to R325.440 of the Michigan Administrative Code**~~.

b) It shall be the duty of the 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 re-inspections based on potential health hazards involved shall be as established by the Department.

c) The representative of the Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the 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.

d) The Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this Section.

e) 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 Plumbing Code. Any water outlet which could be supplied by ***a non-potable source*** ~~**the potable system**~~ must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

f) This Section does not supersede ***Michigan Drinking Water Act 399*** or the State Plumbing Code but is supplementary thereto.

Sec. *18-37* - Groundwater Protection - Declaration of necessity.

The City desires ~~**It is the purpose of this ordinance**~~ to promote the public health, safety, and general welfare, ~~**and to**~~ minimize public and private losses due to contamination of the public water supply, ***and*** ~~**to**~~ maximize groundwater protection/pollution abatement control procedures~~**, and minimize land use restrictions that**~~ ***in order to***:

a) Protect human life and health;

b) Minimize expenditure of public money for costly pollution remediation projects;

c) Minimize regulations on land use;

d) Minimize business interruptions;
e) Insure that the public is provided with a safe potable water supply now and for future generations;
f) Protect the natural resources of the State.

Sec. *18-38* - Groundwater Protection - Methods of reducing potential contamination.

In order to accomplish ~~**its purpose**~~ ***the goals stated in Sec. 18-42, the City*** ~~**this ordinance**~~ shall employ the following methods:

a) Establish a groundwater protection area, which means that area within the defined "Capture Zones" of the municipal wells.
b) Inventory and plot on a map all potential sources of contamination within the designated groundwater protection area.
c) Frequent monitoring of existing and future activities within the groundwater protection area that have been identified as potential sources of contamination.
d) Develop contingency plans for alternative drinking water supplies to help mitigate contamination of the current public water supply.
e) Site new wells properly to maximize yield and minimize potential contamination.
f) Educate the public on groundwater, where it comes from, how it becomes contaminated, and the ways to protect it.
g) Provide technical assistance to private well owners in the abandonment of wells.
h) Promote the USDA Conservation Reserve Program to farmland owners within the defined "capture zones".
i) Submit a copy of this program to the Michigan Department of ***Environment, Great Lakes, and Energy*** ~~**Environmental Quality, Drinking Water and Radiological Division**~~ for consent and approval.

Sec. *18-39*. Private Water Wells

1) Definitions. The following definitions shall apply in the interpretation of this Section:
   a) "Construction site dewatering" means temporary removal of ground water from an excavating site.
   b) "Owner" means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.
   c) "Person" means any individual, partnership, corporation, limited liability company, association, organization or other legal entity.
   d) "City" means the City of Rogers City.
   e) "City water service" means the water supplied by the City of Rogers City.
   f) "Water well" means a hole drilled or bored into the earth for the purpose of removing water through mechanical or non-mechanical means.
2) Private Water Well Prohibited. Except as provided in Subsection (3), no person shall install, construct, develop, maintain or use a water well within the City. ***No person shall use a water well described in Subsection 3b to serve a building or property not served by that well on January 1, 2024.***
3) Permitted Water Wells. The following water wells are permitted within the City under the terms and conditions specified:
   a) A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater.
   b) A water well lawfully in existence at the time of the enactment of this ***Section*** ~~ordinance~~, provided, however, the size of such water well shall not be expanded.
   c) A water well for new development when a water main is not located within 200 feet of the property, provided that the water from the water well is tested annually and approved for human consumption by the Michigan Department of Environmental Quality, or the County health department.
   d) A water well authorized in advance by the City Council subject to the following:

1) Connection to the City system is not possible or practical, as determined by City Council;
2) The drilling and operation of the well will not impact public health and safety or the reliable and safe operation of the City water system, as determined by City Council;
3) The property on which the well is proposed is not less than three acres in size;
4) The well may not be used to supply potable water;
5) The well may not be connected to the City water system;
6) The well cannot produce, nor feature a pump with a capacity of, greater than 10 gallons per minute;
7) The City reserves the right to inspect the well upon request;
8) The drilling and operation of the well at all times complies with State and County health department rules and regulations;
9) In the event that use of the well is discontinued, it must be capped within 30 days in accordance with applicable State and County health department rules and regulations.

~~4)~~ Connection to City Water Service Required. Except for **~~existing~~** water wells permitted under Subsection (3)**~~(b)~~** above, the owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a water main within 200 feet of the property is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing codes then in effect and enforced within the City and to connect such facilities directly with the City water service in accordance with the requirements of the City of Rogers City Code of Ordinances. **~~For water wells permitted under Subsection (3)(c) above, the owner shall connect to the City water service within ninety days after receiving a notice to connect from the City.~~**

5) Violations. Any person who violates any provision of this Section shall be responsible for a municipal civil infraction **~~as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600-9939 of Michigan Compiled Laws,~~** and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Each day this Section is violated shall be considered a separate violation.
6) Enforcement Officials. The City Police are authorized to issue municipal civil infraction citations **~~directing alleged violators of this Section to appear in court.~~**
7) Nuisance Per Se. A violation of this Section is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
8) Civil Remedies. In addition to enforcing this Section through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Courts to abate or eliminate the nuisance per se or any other violation of this Section.
9) Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portion or application of this Section which can be given effect without the invalid portion or application.

Secs. *18-40*—18-60. - Reserved.

II. This ordinance shall be published within 15 days after its adoption.
III. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

ORDINANCE NO. 2024-3
WATER AND SEWER RATES – FIRST READING
ORDINANCE NO. 2024-3

A motion was made by Council Member Nowak, seconded by Council Member Bielas, for first reading:

AN ORDINANCE AMENDING CHAPTER 18 (UTILITIES) OF THE ROGERS CITY CODE OF ORDINANCES BY DELETING ARTICLE 3 (CITY WASTEWATER TREATEMENT UTILITY), DIVISION 17 (RATES AND CHARGES FOR CITY SERVICES) IN ITS ENTIRETY AND AMENDING THE TEXT IN ARTICLE 4 (WATER AND SEWER RATES).

February 20, 2024

THE CITY OF ROGERS CITY ORDAINS:

IV. Chapter 18 (Utilities), Article 3 (City Wastewater Treatment Utility), Division 17 (Rates and Charges for City Services) is deleted in its entirety from the Rogers City Code of Ordinances.

V. The text in Chapter 18 (Utilities), Article 4 (Water and Sewer Rates) is amended to read as follows:

Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 18- UTILITIES >> ARTICLE IV- WATER AND SEWER RATES>>

Sec. 18-356. - Definitions
Sec. 18-357. – Establishment and computation of monthly charges
Sec. 18-358. - Annual audit.
Sec. 18-359. - No free service.
Sec. 18-360. - Annual notification.
Sec. 18-361. - Billing.
Sec. 18-362 – Failed meters
Sec. 18-363 – Inaccurate meters
Sec. 18-364. - Termination of service for nonpayment.
Sec. 18-365. - Collection of delinquent accounts.
Secs. 18-366.—18-375. - Reserved.

Sec. 18-356. - Definitions.

The following definitions shall apply in the interpretation of this article:

Base Rate Charge (Sewer) means the flat portion of the monthly sewer bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Building Sewer Connection is available to the property.

Base Rate Charge (Water) means the flat portion of the monthly water bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Water Service Connection is available to the property.

Building sewer connection means the sewer line which connects the sewer main to the building sewer at the clean-out at or near the property line and clean-out.

Commodity Charge (Sewer) means the variable portion of the monthly sewer bill based upon use of the sewer system by the customer as determined by the water meter.

Commodity Charge (Water) means the variable portion of the monthly water bill based upon the metered consumption of water by the customer.

Flat Rate Sewer Charge means a monthly fee billed to a non-metered property which is connected to the City sewer system but not to the City water system; fee is based on estimated use and paid instead of a base rate charge or commodity charge; multi-use facility charges may still apply.

Multi-Unit Charge means a per-unit fee included on the monthly sewer and water bills of those who own buildings including three or more units.

Water Service Connection means the appurtenances and piping material inside the City right of way from the water main to and including the curb stop or, in commercial applications, up to at or near the property line.

Sec. 18-357. – Establishment and computation of monthly charges

Monthly charges for the connection to, and use of, the water and wastewater systems of the City are established annually by resolution of the City Council, to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt retirement and capital costs. Such charges and rates shall be made against all premises with access to a Water Service Connection or Building Sewer Connection. Monthly charges for both water and sewer are based on size of water meter, metered consumption of water, and number of units within the building served. Unmetered buildings with access to sewer but not water are charged a flat rate based on a reasonably assumed rate of consumption determined by the City. The monthly charges applied by the City include the following:

a) Base Rate Charge is a flat monthly water and sewer fee based on the diameter of Water Service Connection through which property is served, charged to all metered properties to which a Water Service Connection and/or Building Sewer Connection is available even if the water to the property is shut off.

b) Commodity Charge is a variable monthly water and sewer fee based on the metered amount of water consumed, also used to determine customer's use of sanitary sewer system.
c) Multi-Unit Charge is a flat monthly per-unit water and sewer fee billed to all multi-unit facilities of three or more.
d) Flat Rate Sewer Charge is billed in lieu of the Sewer Base Rate Charge and Sewer Commodity Charge to non-metered properties with access to City sanitary sewer service but not City water service

Sec. 18-358. - Annual audit.

a) An annual audit shall be prepared and considered as part of an annual review of the monthly charges. The monthly charges shall be revised as necessary to meet system expenses.

Sec. 18-359. - No free service.

No free service shall be allowed for any user of the City's **water or** wastewater systems.

Sec. 18-360. - Annual notification.

All customers of the City's water and/or wastewater systems will receive annually, prior to any revision thereto, a public disclosure of monthly water and sewer charges.

Sec. 18-361. - Billing.

Charges for water and sewer service shall be billed and collected monthly. All water meters shall be read prior to last day of every-month and bills rendered not later than the seventh of the month following the meter reading. Bill shall be immediately due and payable and may be paid without penalty up to and including the seventeenth day of the month when rendered. If such charges are not paid on or before the applicable due date, a penalty of five (5) percent shall be added thereto.

Sec. 18-362. – Failed meters.

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

Sec. 18-363. - Inaccurate meters.

a) A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.
b) A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
c) If a meter tested at the request of a consumer is determined to register "fast," the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three (3) months prior to the test.
d) If a meter tested at the request of a consumer is determined to register "slow," the City may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months.
e) When the City, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."

Sec. 18-364. - Termination of service for nonpayment.

If payment is not received or satisfactory arrangements have not been made within sixty (60) days of the due date on the bill, a shutoff notice will be sent by first-class mail to inform the user that failure to respond will result in termination of water service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the water service shall be shut off. No water service that has been discontinued due to nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made. There shall be a water turn-off charge associated with non-payment which shall be established annually by resolution of the City Council.

Sec. 18-365. – Collection of delinquent accounts

a) The City is authorized to enforce the payment of charges for water or sewer service to any premises by discontinuing the water service to such premises, and an action of the assumpsit may be instituted by the

city against the customer. The charges for water and sewer service shall be a lien against the premises. The City Treasurer shall, annually on June 1, take necessary actions to have all amounts delinquent by more than 60 days on the next tax roll of the City. Such charges to be assessed shall be collected in the same manner as general City taxes.

b) In cases where the city is properly notified that a tenant is responsible for water or sewer charges, no such service shall be commenced or continued to such premises until there has been deposited with the City a sum established by City Council. Such deposits may be applied against any delinquent water or sewer charges and the application thereof shall not affect the right of the City to turn off the water service to any premises for any remaining delinquency. Such deposit, or any remaining deposit balance, shall be returned to the customer when the customer discontinues receiving water and/or sewer service with the City.

Secs. 18-366—18-375. – Reserved.

VI. This ordinance shall be published within 15 days after its adoption.

VII. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

HOUSING OCCUPANCY LIMITS

Consensus was to add first reading to the next agenda.

FIRST STREET PROJECT CLOSEOUT – PUBLIC HEARING

Mayor McLennan opened the public hearing at 10:03 am. No written comments were received. City Mgr. Hefele reviewed the project. Rachel Goodstein addressed Council regarding the project. The public hearing was closed at 10:10 am.

SALE OF CITY PROPERTY

City Mgr. Hefele reviewed the idea of selling public works park near the waste water treatment plant ballot language would need to be developed. Council Member Nowak inquired about putting the Marquette property on the next agenda.

RESOLUTION NO. 2024-30

A motion was made by Council Member Bielas, seconded by Council Member Adair, to authorize City staff to develop a ballot question in regard to the sale of Public Works Park near the Waste Water Treatment Plant.

ROLL CALL: Ayes – Adair, Bielas, Fuhrman and McLennan.
Nays – Nowak, the motion carried.

LETTER OF SUPPORT – USE OF LAND BANK FUNDS

City Mgr. Hefele reviewed the program; DDA voted to allow City Mgr. to get repair estimates.

RESOLUTION NO. 2024-31

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to have City Mgr. Hefele draft a letter of support for the use of Land Bank funds and authorize Mayor McLennan to sign said letter.

ROLL CALL: Ayes – All, the motion carried.

AMENDMENT OF DWAM GRANT AGREEMENT

City Mgr. Hefele reviewed the grant requirements and explained that we had to find a qualified use for the remaining funds or give it back.

February 20, 2024

RESOLUTION NO. 2024-32
A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to authorize City Mgr. Hefele to sign DWAM grant amendment request.
ROLL CALL: Ayes – All, the motion carried.

ENGAGEMENT LETTER – CLARK HILL
City Mgr. Hefele stated that Clark Hill is a firm that specializes in water pipe issues.

RESOLUTION NO. 2024-33
A motion was made by Council Member Adair, seconded by Council Member Nowak, to authorize City Mgr. Hefele to sign the Clark Hill Engagement letter.
ROLL CALL: Ayes – All, the motion carried.

MURAL ON CITY WELLHOUSE
Additional information is needed.

MARINA EQUIPMENT PURCHASE
City Mgr. Hefele stated that pricing is higher than we thought. Discussion was had regarding the pros and cons of the grant application. No action was taken.

ELECTION COMPENSATION
RESOLUTION NO. 2024-34
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to pay the City Clerk/Treasurer premium pay of $1,500 for the 2024 Presidential Primary election.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

CLOSED SESSION: None.

ADJOURNMENT:
With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 10:54 am.

_____ _____
SCOTT MCLENNAN, MAYOR TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, MARCH 5, 2024

Mayor McLennan called the meeting to order at 9 am, and led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda with the addition of Ordinance 2024-2 City Water Utility, Ordinance 2024-3 Water and Sewer Rates and DWAM grant amendment.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:
Tonya Langlois principal at St. John Lutheran School presented their Student Council who addressed Council regarding what they like about Rogers City. Julie Brooks addressed Council regarding the Cocoa Crawl and hopes they have additional events.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of February 20, 2024 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:
CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $503,789.01 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT: None.

COMMISSION AND LIAISONS: None.

MAYOR:
Mayor McLennan thanked residents that he recently saw picking up trash on the beach.

UNFINISHED BUSINESS:
MURAL ON CITY WELLHOUSE
Katie Carignan addressed Council regarding Mural Festival June 10-16, 2024.

RESOLUTION NO. 2024-35
A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to sign the mural agreement upon review by City Atty. Vogler.
ROLL CALL: Ayes – All, the motion carried.

March 5, 2024

HOUSING STANDARDS 24 FEET
ORDINANCE NO. 2024-1

A motion was made by Council Member Nowak, seconded by Council Member Bielas, that the following Ordinance No. 2024-1, which was introduced for first reading at the February 20, 2024 Council meeting, be adopted and that proper publication be made within 16 days required from the date thereof in the *Presque Isle County Advance*. This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions. Publication date is March 21, 2024.

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-34 OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO REMOVE EXISTING STANDARDS FOR MANUFACTURED HOMES NEWLY SITED ON INDIVIDUAL LOTS AND ADD NEW STANDARDS FOR ONE- OR TWO-FAMILY DWELLINGS NEWLY SITED ON INDIVIDUAL LOTS

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-34 (Manufactured Homes on Individual Lots), is renamed "One-Family and Two-Family Dwellings on an Individual Lot" with the text amended as follows (all text in bold with strikethrough is eliminated, while all language in shaded bold italics is added).

~~**A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:**~~

~~**A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.**~~

~~**B. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.**~~

~~**C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards" and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.**~~

~~**D. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.**~~

~~**E. No manufactured home shall be located or placed in Rogers City without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current HUD rules and regulations and District Health Department regulations.**~~

~~**F. Manufactured homes shall not be used as accessory buildings.**~~

A newly sited One Family or Two Family dwelling on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards, unless otherwise allowed by this ordinance:

A. A One Family or Two Family dwelling shall incorporate exterior building wall, foundation and roof configurations that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. The minimum width across any front, side, or rear elevation shall be 24 feet. The average width-to-depth or depth-to-width ratio of the dwelling, as measured along the outside of the perimeter walls, shall not exceed 2.5 to one. The roof overhang shall be a minimum of six inches on at least two sides. Minimum width and maximum depth-to-width ratio do not apply to secondary dwelling units allowed by §32-280

B. No One Family or Two Family dwelling shall be located or placed in Rogers City without prior completion of site preparation including but not limited to electric, water, sanitary sewer, and foundation.

C. A One Family or Two Family dwelling shall have exterior materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding, windows, porches, shingles and other roofing materials.

D. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards" the Michigan Manufactured Housing Commission regulations and current State of Michigan Building code, except that all such dwellings shall be attached to a crawl space, basement or approved slab-on-grade foundation, and shall have the same perimeter dimensions as the dwelling.

E. *Manufactured home construction shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.*

F. *Manufactured homes shall have wheels, axles, and towing assembly removed before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis. Any skirting shall be similar in appearance to brick or masonry block.*

G. *Manufactured homes shall not be used as accessory buildings.*

H. *Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.*

I. *Determinations. This Section is not intended to prohibit innovative architectural design, or site features. The compatibility of design and appearance shall be determined by the City Planner. Any determination of compatibility shall be based upon these standards, with a comparison to the character, design, and appearance of the surrounding residential neighborhood, but excluding manufactured homes located in a manufactured housing community.*

Section 2. If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3. The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

Section 5. This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

CITY WATER UTILITY
ORDINANCE NO. 2024-2

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, that the following Ordinance No. 2024-2, which was introduced for first reading at the February 20, 2024 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on March 21, 2024.

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 2 OF THE ROGERS CITY CODE OF ORDINANCES TO UPDATE, CLARIFY, REPLACE, AND CORRECT PORTIONS OF THE TEXT TO ALLIGN THEM WITH EXISTING STATUTES, REGULATIONS, STANDARDS, AND PRACTICES

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 18 (Utilities), Article 2 (City water Utility), is hereby amended to read as follows, with language in shaded bold italics to be added, and language in bold, with strike-through, eliminated:

ARTICLE II. - CITY WATER UTILITY

Sec. 18-26. - Definitions.
Sec. 18-27. - Service connection, ~~permit~~ fees.
Sec. 18-28. - Turning on and off water service at the curb stop.
Sec. 18-29. - Water meters.
~~Sec. 18-30. - Meter location.~~
Sec. ~~18-30~~. - Access to meters.
Sec. ~~18-31~~. - Reimbursement for damage *to meters*.
~~Sec. 18-32. - Meter failures.~~
~~Sec. 18-34. - Inaccurate meters.~~
~~Sec. 18-35. - Accuracy required.~~
~~Sec. 18-36. - Bill adjustment.~~
Sec. ~~18-32~~. - Fire hydrant use.
Sec. ~~18-33~~. - Water emergency orders.

Sec. 18-34- Additional regulations.
Sec. 18-35. - Injury to facilities.
Sec. 18-36. - Cross connections.
Sec. 18-37 – Groundwater protection: declaration of necessity
Sec. 18-38 – Groundwater protection: Methods of reducing potential contamination
Sec. 18-39 – Private water wells
Secs. 18-40 —18-60. - Reserved.

Sec. 18-26. - Definitions.

The following definitions shall apply in the interpretation of this article:

~~*City Right of Way means the area on, below, or above the entire boundary of a public roadway, alley, or easement of the City.*~~

City Water Distribution System means all mains, connections, pipes, meters, hydrants and appurtenances connected with or served by the city water system.

~~*Connection Fees means the required fees established for the cost of water service connections.*~~

Department means the water department of the City.

Frontage or Area Fees means a fee charged ~~(for construction after July 1, 2002)~~ *by the City* to recover the costs of extending *a Water Main to a property where City water had been previously unavailable* ~~the mains and providing the service.~~

~~*Meter Installation fee means the required fee established for the cost of installing water meters on the premises served.*~~

~~*Ready To Serve Fee means the customer's financial contribution toward pre-existing and ongoing system wide costs.*~~

Superintendent means the superintendent of the *water* department or his authorized representative.

Tap-In Fee means the fee established *by the City* to offset City costs to tap the Water Main and provide a Water Service Connection, *paid as a lump sum when the Water Service Connection is installed.*

Water Main means that part of the city water distribution system located within *the City right of way* ~~easement lines or streets~~ designed to supply more than (1) water service connection.

Water Meter Fee means the required fee established to offset the cost of the water meter.

Water Service Connection means the appurtenances and piping material *inside the City right of way* from the water main to and including the curb stop ~~or, in commercial applications, up to~~ *at or near* the property line.

Water Service Line means ~~that part of the water service~~ *the appurtenances and piping material outside the City right of way* from the curb stop *at or near the property line* to the water meter setting.

Sec. 18-27. - Service connection, permit fees.

~~a)~~ Application for water connections shall be made to the City on forms prescribed and furnished by the Department. The Department may refuse to authorize a larger service line than reasonably required by the premises served. Water Service Connections and water meters shall be installed by the City, or an approved, licensed and insured contractor, in accordance with rules and regulations of the City and upon payment of the required *Frontage or Area Fee, Tap-In Fee and Water Meter Fee* ~~connection fees, the water meter fee and meter installation fee.~~ All meters and Water Service Connections shall be the property of the City. *Tap-In Connection* Fees shall not be less than the cost of materials, installation and overhead attributable to such installations. ~~and the cost of providing service. The Council shall, from time to time, fix an amount for connection fees based on the costs of providing the service.~~

b) *All fees and charges* ~~The Water Connection Fee and monthly user charges~~ shall be as prescribed by resolution of the City Council and adjusted accordingly to reflect the cost of providing the service and shall be as follows: ~~*(See Comprehensive City Fee Schedule)*~~

~~1) Ready to Serve Fee shall be based upon factors including: Size of water service line, distribution and treatment capacity, capital costs of distribution and treatment, storage, buildings, overhead and administration. *Ready to Serve Fee shall mean: An initial fee levied on all new connections to the system and/or a onetime fee levied on a user when there is a change in size of water service line or an increase in volume usage which changes the otherwise applicable Ready to Serve charge. (See Fee Schedule)*~~

~~2)~~ *Tap-In Fee:* A ~~**minimum**~~ charge ***for the installation of a Water Service Connection by the City, requested by the property owner, covering the costs to*** ~~to *(See Fee Schedule)* based upon the costs to cut and~~ remove street pavements and related street features, excavate trenches, tap services into water mains, install water service connections, backfill and compact trenches, and repair the street pavement, curb and gutter, sidewalks, and landscaping. ***The property owner shall be responsible for costs to install the Water Service Connection in excess of the minimum charge established by the City.*** ~~**For services that exceed the minimum charge, the property owner will be billed for additional costs. Payments for installation of services must be received prior to beginning work and will be based on actual costs upon completion of work. Work shall be inspected and approved by the City.**~~ The property owner is responsible for all ~~**installation**~~ *costs* ***associated with installation of, and repairs to, the Water Service Line,*** ~~**from the property line to the building and the installation shall be**~~ ***with the work to be inspected and approved by the City.*** ~~***Note: For water services installed by Special Assessment or by Private Developers, the Tap In Fee may be reduced or waived, but the full cost of the water service connection, including repair of roadway base and pavement, (all to City of Rogers City specifications), shall be paid by the property owner.***~~

~~3)~~ *Frontage or Area Fees:* ~~**(for construction after July 1, 2002)**~~ ***A charge*** ~~**may be charged in order**~~ to recover the costs of extending the ***Water*** Main, ***if requested by a property owner and if necessary to provide water service to the property.*** ~~**if necessary and providing the service. *Frontage and Area Fees* may be levied before connection to the system for properties that have never had water service previously or where a water main is presently installed to service the premises. *Frontage or Area Fees* will be computed based upon actual costs of providing the services, including the extension of mains and leads to the property line. *Note: Properties in which Special Assessments have been levied or private developers have paid for utility construction, Frontage or Area Fees may be waived.***~~

~~4) The Connection Fees shall be waived for utilization of a service that served a former structure on the property, *providing the existing water service size is adequate.*~~

5) *Water Meter Fee:* ***A charge to offset the cost of installing a new water meter, including the cost of the meter itself.*** ~~**will be the cost for a water meter applicable to the water service size.**~~

~~6) The above *Connection Fees shall not be considered retroactive.* In cases where connection fees, special assessments or agreements have been previously reached and/or paid for, these agreements shall be honored.~~

~~7) *Monthly User Charges* (See Fee Schedule)~~
~~(a) Commodity Charge (per 100 cubic feet used)~~
~~(b) Billing Charge (Administrative cost)~~
~~(c) Capital Charge (Debt retirement and Capital Improvements)~~

Sec. 18-28. - Turning on and off water service at the curb stop.

a) No person, other than an authorized employee of the Department, shall turn on or off any water service at the curb stop.

b) No person shall remove the cover from any curb stop or place any dirt, stone, or other obstruction in it, or tamper with it in any way so as to obstruct the use thereof. No person shall impede the Department's ability to operate the curb stop by placing items, including but not limited to vehicles, on top of it. In addition to the penalties described in Sec. 1-8 and any other legal remedies that may be available, the City may take steps to remove the obstruction necessary to access and operate the curb stop and pass along all costs associated with doing so to the customer.

Sec. 18-29. - Water meters.

All premises using water shall be metered. No person except a Department employee shall ~~**break or injure the seal or install,**~~ change the location of, alter, or interfere in any way with, any water meter. ~~**The Superintendent, with the approval of the City Manager, may authorize service on flat rate charges where it is not practical to install a meter.**~~

~~**Sec. 18-30. - Meter location.**~~

~~**Meters shall be set in an accessible location and in a manner satisfactory to the Superintendent. Where the premises contain no basement or cellar or other satisfactory inside location, a remote recording device shall be installed outside in**~~

~~a location which shall be approved by the superintendent. Where a remote recording device is necessary such device shall be furnished and installed at the expense of the owner as directed by the department.~~

Sec. ~~18-30.~~ - Access to meters.

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

Sec. ~~18-31.~~ - Reimbursement for damage to meters.

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of ~~the owner, agent, or tenant either of them~~ to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill which shall be based on time and materials, and shall be collected as specified in Article IV of this chapter for the collection of service charges.

~~Sec. 18-32. - Meter failures.~~

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

~~Sec. 18-34. - Inaccurate meters.~~

~~A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.~~

~~Sec. 18-35. - Accuracy required.~~

~~A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.~~

~~Sec. 18-36. - Bill adjustment.~~

~~If a meter has been tested at the request of a consumer and shall have been determined to register "fast" the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow," the department may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."~~

Sec. ~~18-32.~~ - Fire hydrant use.

No person shall open or use any fire hydrant connected with the City water distribution system unless duly authorized by the ~~Superintendent City~~ to do so. ~~nor in any case for other than a public purpose.~~

Sec. ~~18-33.~~ - Water emergency orders.

The City Manager may regulate, limit, or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation, or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City. Any person violating any such rule or regulation shall, upon conviction thereof, be punished as prescribed in section 1-8.

Sec. ~~18-34.~~ - Additional regulations.

The City Manager may make and issue additional rules and regulations concerning the water distribution system, ~~and~~ connections thereto, ~~including water meter repair and replacement, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto,~~ not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council. ~~The rules and regulations now in effect shall continue until changed in accordance with this section.~~

Sec. ~~18-35.~~ - Injury to facilities.

No person, except an employee of the City in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the City water distribution system.

Sec. ~~18-36.~~ - Cross connections.

a) The City adopts by reference the water supply cross connections rules *and regulations included in Part 14 of the Michigan Safe Drinking Water Act Administrative Rules (SDWA)* ~~of the state department of health being R325.431 to R325.440 of the Michigan Administrative Code~~.

b) It shall be the duty of the 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 re-inspections based on potential health hazards involved shall be as established by the Department.

c) The representative of the Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the City for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the 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.

d) The Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this Section.

e) 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 Plumbing Code. Any water outlet which could be supplied by *a non-potable source* ~~the potable system~~ must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

f) This Section does not supersede *Michigan Drinking Water Act 399* or the State Plumbing Code but is supplementary thereto.

Sec. *18-37* - Groundwater Protection - Declaration of necessity.

The City desires ~~It is the purpose of this ordinance~~ to promote the public health, safety, and general welfare, ~~and to~~ minimize public and private losses due to contamination of the public water supply, *and* ~~to~~ maximize groundwater protection/pollution abatement control procedures~~, and minimize land use restrictions that~~ *in order to:*

a) Protect human life and health;
b) Minimize expenditure of public money for costly pollution remediation projects;
c) Minimize regulations on land use;
d) Minimize business interruptions;
e) Insure that the public is provided with a safe potable water supply now and for future generations;
f) Protect the natural resources of the State.

Sec. *18-38* - Groundwater Protection - Methods of reducing potential contamination.

In order to accomplish ~~its purpose~~ *the goals stated in Sec. 18-42, the City* ~~this ordinance~~ shall employ the following methods:

a) Establish a groundwater protection area, which means that area within the defined "Capture Zones" of the municipal wells.
b) Inventory and plot on a map all potential sources of contamination within the designated groundwater protection area.
c) Frequent monitoring of existing and future activities within the groundwater protection area that have been identified as potential sources of contamination.
d) Develop contingency plans for alternative drinking water supplies to help mitigate contamination of the current public water supply.
e) Site new wells properly to maximize yield and minimize potential contamination.
f) Educate the public on groundwater, where it comes from, how it becomes contaminated, and the ways to protect it.
g) Provide technical assistance to private well owners in the abandonment of wells.
h) Promote the USDA Conservation Reserve Program to farmland owners within the defined "capture zones".

i) Submit a copy of this program to the Michigan Department of ***Environment, Great Lakes, and Energy*** ~~**Environmental Quality, Drinking Water and Radiological Division**~~ for consent and approval.

Sec. ~~18-39~~. Private Water Wells

1) Definitions. The following definitions shall apply in the interpretation of this Section:
   a) "Construction site dewatering" means temporary removal of ground water from an excavating site.
   b) "Owner" means the person holding the legal or equitable title to real property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation directly or indirectly in control of a building, structure or real property or his duly authorized agent.
   c) "Person" means any individual, partnership, corporation, limited liability company, association, organization or other legal entity.
   d) "City" means the City of Rogers City.
   e) "City water service" means the water supplied by the City of Rogers City.
   f) "Water well" means a hole drilled or bored into the earth for the purpose of removing water through mechanical or non-mechanical means.
2) Private Water Well Prohibited. Except as provided in Subsection (3), no person shall install, construct, develop, maintain or use a water well within the City. ***No person shall use a water well described in Subsection 3b to serve a building or property not served by that well on January 1, 2024.***
3) Permitted Water Wells. The following water wells are permitted within the City under the terms and conditions specified:
   a) A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater.
   b) A water well lawfully in existence at the time of the enactment of this ***Section*** ordinance, provided, however, the size of such water well shall not be expanded.
   c) A water well for new development when a water main is not located within 200 feet of the property, provided that the water from the water well is tested annually and approved for human consumption by the Michigan Department of Environmental Quality, or the County health department.
   d) A water well authorized in advance by the City Council subject to the following:
      1) Connection to the City system is not possible or practical, as determined by City Council;
      2) The drilling and operation of the well will not impact public health and safety or the reliable and safe operation of the City water system, as determined by City Council;
      3) The property on which the well is proposed is not less than three acres in size;
      4) The well may not be used to supply potable water;
      5) The well may not be connected to the City water system;
      6) The well cannot produce, nor feature a pump with a capacity of, greater than 10 gallons per minute;
      7) The City reserves the right to inspect the well upon request;
      8) The drilling and operation of the well at all times complies with State and County health department rules and regulations;
      9) In the event that use of the well is discontinued, it must be capped within 30 days in accordance with applicable State and County health department rules and regulations.
4) Connection to City Water Service Required. Except for ***existing*** water wells permitted under Subsection (3)~~(b)~~ above, the owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a water main within 200 feet of the property is hereby required at his or her expense to install suitable plumbing facilities therein, in accordance with the plumbing codes then in effect and enforced within the City and to connect such facilities directly with the City water service in accordance with the requirements of the City of Rogers City Code of Ordinances. ~~**For water wells permitted under**~~

~~Subsection (3)(c) above, the owner shall connect to the City water service within ninety days after receiving a notice to connect from the City.~~

5) Violations. Any person who violates any provision of this Section shall be responsible for a municipal civil infraction ~~as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws,~~ and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars. Each day this Section is violated shall be considered a separate violation.

6) Enforcement Officials. The City Police are authorized to issue municipal civil infraction citations ~~directing alleged violators of this Section to appear in court.~~

7) Nuisance Per Se. A violation of this Section is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

8) Civil Remedies. In addition to enforcing this Section through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Courts to abate or eliminate the nuisance per se or any other violation of this Section.

9) Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portion or application of this Section which can be given effect without the invalid portion or application.

Secs. ~~18-40~~—18-60. - Reserved.

II. This ordinance shall be published within 15 days after its adoption.

III. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

WATER AND SEWER RATES
ORDINANCE NO. 2024-3

A motion was made by Council Member Adair, seconded by Council Member Nowak, that the following Ordinance No. 2024-3, which was introduced for first reading at the February 20, 2024 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on March 21, 2024.

AN ORDINANCE AMENDING CHAPTER 18 (UTILITIES) OF THE ROGERS CITY CODE OF ORDINANCES BY DELETING ARTICLE 3 (CITY WASTEWATER TREATEMENT UTILITY), DIVISION 17 (RATES AND CHARGES FOR CITY SERVICES) IN ITS ENTIRETY AND AMENDING THE TEXT IN ARTICLE 4 (WATER AND SEWER RATES).

THE CITY OF ROGERS CITY ORDAINS:

IV. Chapter 18 (Utilities), Article 3 (City Wastewater Treatment Utility), Division 17 (Rates and Charges for City Services) is deleted in its entirety from the Rogers City Code of Ordinances.

V. The text in Chapter 18 (Utilities), Article 4 (Water and Sewer Rates) is amended to read as follows:

Rogers City, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 18- UTILITIES >> ARTICLE IV- WATER AND SEWER RATES>>

Sec. 18-356. - Definitions
Sec. 18-357. – Establishment and computation of monthly charges
Sec. 18-358. - Annual audit.
Sec. 18-359. - No free service.
Sec. 18-360. - Annual notification.
Sec. 18-361. - Billing.
Sec. 18-362 – Failed meters
Sec. 18-363 – Inaccurate meters
Sec. 18-364. - Termination of service for nonpayment.
Sec. 18-365. - Collection of delinquent accounts.
Secs. 18-366.—18-375. - Reserved.

Sec. 18-356. - Definitions.

The following definitions shall apply in the interpretation of this article:

Base Rate Charge (Sewer) means the flat portion of the monthly sewer bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Building Sewer Connection is available to the property.
Base Rate Charge (Water) means the flat portion of the monthly water bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off if a Water Service Connection is available to the property.
Building sewer connection means the sewer line which connects the sewer main to the building sewer at the clean-out at or near the property line and clean-out.
Commodity Charge (Sewer) means the variable portion of the monthly sewer bill based upon use of the sewer system by the customer as determined by the water meter.
Commodity Charge (Water) means the variable portion of the monthly water bill based upon the metered consumption of water by the customer.
Flat Rate Sewer Charge means a monthly fee billed to a non-metered property which is connected to the City sewer system but not to the City water system; fee is based on estimated use and paid instead of a base rate charge or commodity charge; multi-use facility charges may still apply.
Multi-Unit Charge means a per-unit fee included on the monthly sewer and water bills of those who own buildings including three or more units.
Water Service Connection means the appurtenances and piping material inside the City right of way from the water main to and including the curb stop or, in commercial applications, up to at or near the property line.

Sec. 18-357. – Establishment and computation of monthly charges

Monthly charges for the connection to, and use of, the water and wastewater systems of the City are established annually by resolution of the City Council, to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt retirement and capital costs. Such charges and rates shall be made against all premises with access to a Water Service Connection or Building Sewer Connection. Monthly charges for both water and sewer are based on size of water meter, metered consumption of water, and number of units within the building served. Unmetered buildings with access to sewer but not water are charged a flat rate based on a reasonably assumed rate of consumption determined by the City. The monthly charges applied by the City include the following:

a) Base Rate Charge is a flat monthly water and sewer fee based on the diameter of Water Service Connection through which property is served, charged to all metered properties to which a Water Service Connection and/or Building Sewer Connection is available even if the water to the property is shut off.
b) Commodity Charge is a variable monthly water and sewer fee based on the metered amount of water consumed, also used to determine customer's use of sanitary sewer system.
c) Multi-Unit Charge is a flat monthly per-unit water and sewer fee billed to all multi-unit facilities of three or more.
d) Flat Rate Sewer Charge is billed in lieu of the Sewer Base Rate Charge and Sewer Commodity Charge to non-metered properties with access to City sanitary sewer service but not City water service

Sec. 18-358. - Annual audit.

a) An annual audit shall be prepared and considered as part of an annual review of the monthly charges. The monthly charges shall be revised as necessary to meet system expenses.

Sec. 18-359. - No free service.

No free service shall be allowed for any user of the City's water or wastewater systems.

Sec. 18-360. - Annual notification.

All customers of the City's water and/or wastewater systems will receive annually, prior to any revision thereto, a public disclosure of monthly water and sewer charges.

Sec. 18-361. - Billing.

Charges for water and sewer service shall be billed and collected monthly. All water meters shall be read prior to last day of every month and bills rendered not later than the seventh of the month following the meter reading. Bill shall be immediately due and payable and may be paid without penalty up to and including the seventeenth day of the month when rendered. If such charges are not paid on or before the applicable due date, a penalty of five (5) percent shall be added thereto.

Sec. 18-362. – Failed meters.

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

Sec. 18-363. - Inaccurate meters.

a) A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.

b) A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

c) If a meter tested at the request of a consumer is determined to register "fast," the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three (3) months prior to the test.

d) If a meter tested at the request of a consumer is determined to register "slow," the City may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months.

e) When the City, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."

Sec. 18-364. - Termination of service for nonpayment.

If payment is not received or satisfactory arrangements have not been made within sixty (60) days of the due date on the bill, a shutoff notice will be sent by first-class mail to inform the user that failure to respond will result in termination of water service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the water service shall be shut off. No water service that has been discontinued due to nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made. There shall be a water turn-off charge associated with non-payment which shall be established annually by resolution of the City Council.

Sec. 18-365. – Collection of delinquent accounts

a) The City is authorized to enforce the payment of charges for water or sewer service to any premises by discontinuing the water service to such premises, and an action of the assumpsit may be instituted by the city against the customer. The charges for water and sewer service shall be a lien against the premises. The City Treasurer shall, annually on June 1, take necessary actions to have all amounts delinquent by more than 60 days on the next tax roll of the City. Such charges to be assessed shall be collected in the same manner as general City taxes.

b) In cases where the city is properly notified that a tenant is responsible for water or sewer charges, no such service shall be commenced or continued to such premises until there has been deposited with the City a sum established by City Council. Such deposits may be applied against any delinquent water or sewer charges and the application thereof shall not affect the right of the City to turn off the water service to any premises for any remaining delinquency. Such deposit, or any remaining deposit balance, shall be returned to the customer when the customer discontinues receiving water and/or sewer service with the City.

Secs. 18-366—18-375. – Reserved.

VI. This ordinance shall be published within 15 days after its adoption.

VII. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

CITY WASTEWATER TREATMENT UTILITY

ORDINANCE NO. 2024-4

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to introduce the following for first reading:

March 5, 2024

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 3 OF THE ROGERS CITY CODE OF ORDINANCES TO UPDATE, CLARIFY, REPLACE, AND CORRECT PORTIONS OF THE TEXT TO ALLIGN THEM WITH EXISTING STATUTES, REGULATIONS, STANDARDS, AND PRACTICES

THE CITY OF ROGERS CITY ORDAINS:

VIII. Chapter 18 (Utilities), Article 3 (City Wastewater Treatment Utility), is hereby amended to read as follows, with language in shaded bold italics to be added, and language in bold, with strike-through, eliminated:

ARTICLE III. - CITY WASTEWATER TREATMENT UTILITY

DIVISION 1. - GENERALLY
DIVISION 2. - UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED
DIVISION 3. - PROCESS WASTEWATER
DIVISION 4. - PRIVATE SEWAGE DISPOSAL
DIVISION 5. - BUILDING SEWER AND CONNECTIONS
DIVISION 6. - USE OF THE PUBLIC SEWERS
DIVISION 7. - DISPOSAL AT POTW TREATMENT PLANT
DIVISION 8. - FEES FOR INDUSTRIAL PRETREATMENT
DIVISION 9. - PROTECTION FROM DAMAGE
DIVISION 10. - POWER AND AUTHORITY OF INSPECTORS
DIVISION 11. - ENFORCEMENT
DIVISION 12. - PENALTIES
DIVISION 13. - RECORDS RETENTION
DIVISION 14. - RECORDS
~~DIVISION 15. - VARIANCES~~
DIVISION ~~16~~ (15). - VALIDITY, SEVERABILITY, CONFLICT
~~DIVISION 17. - RATES AND CHARGES FOR CITY SERVICES~~

DIVISION 1. - GENERALLY

Sec. 18-61. - Purpose and policy.
Sec. 18-62. - Definitions.
Sec. 18-63. - Abbreviations.
Secs. 18-64—18-75. - Reserved.

Sec. 18-61. - Purpose and policy.

a) This Article regulates private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the City publicly-operated treatment works *(POTW)*, provides for pollutant limitations, data collection, monitoring and sampling, and provides for penalties for the violation thereof.

b) The objectives of this article are:
   1) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
   2) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
   3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

Sec. 18-62. - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Applicable county health department means the Presque Isle County Health Department.

Authorized representative of industrial user means an authorized representative of an industrial user who may be: (a) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Celsius expressed in terms of weight and concentration (milligrams per liter).

Building drain means that part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the clean-out at or near the property line.

Building sewer connection means the sewer line which connects the sewer main to the building sewer at the clean-out at or near the property line ~~and clean-out.~~

~~*Capital charge* means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The capital charge shall be in addition to the user charge specified below.~~

Categorical standards means National Categorical Pretreatment Standards or Pretreatment Standard.

Chemical oxygen demand (COD) means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

Combined sewer means a sewer receiving both surface runoff and sewage.

Commercial waste means a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in such goods or services.

Compatible pollutant means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the National Pollutant Discharge Elimination System (NPDES) permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Composite sample means a series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one (1) sample.

~~*Connection fees* means the permit fees charged to defray the administrative, construction and the connection costs of installing a lateral line from the sewer main to the clean-out at the property line of the user.~~

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Direct discharge means the discharge of treated or untreated wastewater directly to the waters of the state.

Director means the City Manager or his authorized representative.

Environmental Protection Agency, or EPA means the U.S. Environmental Protection Agency, administrator, or other duly authorized official.

Frontage or Area Fees means a fee charged ~~(for construction after July 1, 2002)~~ by the City to recover the costs of extending a Sewer Main to a property where City sanitary had been previously unavailable ~~the mains and providing the service~~.

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

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Incompatible pollutants means any pollutant which is not a compatible pollutant.

Indirect discharge means the discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).

Industrial wastes means the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

Interference means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit or reduces the efficiency of the POTW. The term also includes prevention or sewage sludge use or disposal by the POTW.

Laboratory determination means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of the latest edition of "Standard Methods for Examination of Water and Waste Water." ~~a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this Article.~~

Majority contributing industry means any industrial user of the publicly owned treatment works that:

1) Has a flow of fifty thousand (50,000) gallons or more per average work day;
2) Has a flow greater than five (5) percent of the flow carried by the municipality receiving the wastes;
3) Has in its waste a toxic pollutant in toxic amounts as defined in the standards under section 307(a) of the Federal Water Pollution Control Act of 1972; or
4) Is found by the permit issuance authority in connection with the issuance of NPDES permit to the publicly owned treatment works receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

National categorical pretreatment standard or pretreatment standard means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

National pollution discharge elimination system or NPDES permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of 307(b) of the Act and 40 CFR, section 402.5.

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

New source means any source, the construction of which is commenced the date this Division became effective after October 1, 1990.

Normal domestic sewage (NDS) means wastewater in which average concentrations of total suspended solids and BODs do not exceed specified limits necessary to keep the municipality in compliance with its NPDES permit. ~~which, when analyzed, shows a daily average concentration of not more than two hundred (200) milligrams per liter of BOD; nor more than two hundred (200) milligrams per liter of suspended solids; nor more than five (5) milligrams per liter of phosphorus.~~

Operation and maintenance means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES permit and other applicable state and federal regulations, and includes the cost of replacement.

Owner means owner of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant means any of the various chemicals, substances and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal, and agricultural wastes which impair the purity of the water and soil.

Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. 403.6(d).

March 5, 2024

Pretreatment requirements means any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.

Properly shredded garbage means 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 one-half inch in any dimension.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this article, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the City, users of the City's POTW.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

~~*Ready-To-Serve Fee* means the customer's financial contribution toward pre-existing and ongoing system costs.~~

Renewal Fee means a charge to offset the City's cost of labor, equipment use, materials, and parts, including cleanout assembly, associated with inspection and documentation of the repair or replacement of any and all components of the sanitary sewer system between the Building and the Sewer Main.

Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater ~~transportation or treatment system to insure continuous treatment of wastewater~~ in accordance with the NPDES permit and other applicable state and federal regulations.

Sanitary sewage means a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.

Sanitary sewer means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.

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

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer Main means that part of the City sanitary sewer transportation pipe system located within the City right of way designed to supply more than one (1) sanitary sewer service connection ~~means a pipe or conduit for carrying sewage.~~

~~*Sewer service charge* means the sum of the applicable user charge, surcharges and capital charges.~~

Significant industrial user means any industrial user of the city's wastewater disposal system who:

1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
2) Has a flow greater than five (5) percent of the flow in the city's wastewater treatment system; or
3) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, state statutes, and rules; or
4) Is found by the city, Michigan Department of Natural Resources, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Slug load means any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget~~, 1972~~.

Storm sewer or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent means the person designated by the City to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this Article, or his duly authorized representative.

Surcharge means a fee charged to a ~~as part of the service charge, any~~ customer discharging wastewater having strength in excess of limits established by the City which covers the additional cost to the City of treating ~~set forth by the City shall be required to pay an additional charge to cover the cost of treatment of~~ such excess strength wastewater.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Tap-In Fee means the fee established by the City to offset City costs to tap services into sanitary sewer mains and provide a ~~building~~ Sewer Service Connection, paid as a lump sum when the Sewer Service Connection is installed.

Toxic pollutant means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of the Clean Water Act 307(a) or other acts.

Uncontaminated industrial waste means wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

User means any person who contributes, causes or permits the contribution of wastewater into the POTW.

~~*User charge* means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to section 204(b) of PL 92-500 and includes the cost of replacement.~~

User class means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.

1) *Residential user* means a user of the treatment works whose premises or buildings are used primarily as a domicile for one (1) or more persons, including dwelling units such as detached, semi-detached, and row houses, mobile homes, apartments, or permanent multifamily dwellings. Transient lodging is not included; it is considered commercial.
2) *Industrial user* means any user who discharges industrial wastes.
3) *Commercial user* means an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business, or service which, based on a determination by the city, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
4) *Institutional user* means any establishment listed in the SICM involved in a social, charitable, religious or educational function which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
5) *Governmental user* means any federal, state or local government user of the wastewater treatment works.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Water Meter Fee means the required fee established to offset the cost of the water meter used to determine both water and sewer use.

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Sec. 18-63. - Abbreviations.

The following abbreviations used in this Article shall have the designated meanings:

1) BOD—Biochemical Oxygen Demand.
2) CFR—Code of Federal Regulations.
3) COD—Chemical Oxygen Demand.
4) EPA—Environmental Protection Agency.
5) l—Liter.
6) mg—Milligrams.
7) mg/l—Milligrams Per Liter.
8) NDS—Normal Domestic Sewage.
9) NPDES—National Pollutant Discharge Elimination System.
10) P—Phosphorus.

11) POTW—Publicly Owned Treatment Works.
12) SIC—Standard Industrial Classification.
13) SICM—Standard Industrial Classification Manual.
14) SS—Suspended Solids.
15) SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
16) O&M—Operation and Maintenance.
17) CWA—Clean Water Act.

Secs. 18-64—18-75. - Reserved.

DIVISION 2. - UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED

Sec. 18-76. - Waste deposits.
Sec. 18-77. - Water pollution.
Sec. 18-78. - Privies and septic tanks.
Sec. 18-79. - Sewer connection required.
Secs. 18-80—18-90. - Reserved.

Sec. 18-76. - Waste deposits.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public property within the city, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

Sec. 18-77. - Water pollution.

It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the city, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted waters, unless specifically permitted by the applicable county health department.

Sec. 18-78. - Privies and septic tanks.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.

Sec. 18-79. - 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 on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so.

Secs. 18-80—18-90. – Reserved

DIVISION 3. - PROCESS WASTEWATER

Sec. 18-91. - Wastewater contribution information.
Sec. 18-92. - Discharge modifications.
Sec. 18-93. - Discharge conditions.
Sec. 18-94. - Compliance date report.
Sec. 18-95. - Periodic compliance reports.
Sec. 18-96. - Monitoring facilities.
Sec. 18-97. - Inspection and sampling.
Sec. 18-98. - Pretreatment.
Sec. 18-99. - Confidential information.
Secs. 18-100—18-110. - Reserved.

Sec. 18-91. - Wastewater contribution information.

a) Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Director. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below. The Director may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below on a disclosure form prescribed by the City:
   1) Name, address and location (if different from the address);

2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, ~~1972, as amended;~~
3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Division 1 of this Article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
   A) "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.
   B) "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
   C) "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
4) Time and duration of contribution;
5) Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any;
6) Industries identified as significant industries or subject to the national categorical pretreatment standards, or those required by the city must submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required by the industrial user to meet applicable pretreatment standards;
9) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
   A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.
   B) No increment referred to in Subsection (a)(9)a. shall exceed nine (9) months.
   C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director;
10) Each product produced by type, amount, process or processes, and rate of production;
11) Type and amount of raw materials processed, average and maximum per day;
12) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
13) Any other information as may be deemed by the city to be necessary to evaluate the impact of the discharge on the POTW.

b) The disclosure form shall be signed by a principal executive officer of the user and a qualified engineer. The City will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the City shall notify the user of the acceptance thereof.

Sec. 18-92. - Discharge modifications.

Within nine (9) months of the promulgation or revision of a national categorical pretreatment standard, all affected users must submit to the City the information required by Section 18-91(a)(8) and (9).

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Sec. 18-93. - Discharge conditions.

Wastewater discharges shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the City. The City may:

1) Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
2) Limit the average and maximum wastewater constituents and characteristics;
3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
4) Require the installation and maintenance of inspection and sampling facilities;
5) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
6) Establish compliance schedules;
7) Require submission of technical reports or discharge reports;
8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the City, and affording City access thereto, and copying thereof;
9) Require notification of the City for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10) Require notification of slug discharges;
11) Require other conditions as deemed appropriate by the City to ensure compliance with this Article;
12) Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities;
13) Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludge, oils, radioactive materials, solvents or other wastes.

Sec. 18-94. - Compliance date report.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement will be signed by an authorized representative of the industrial user, and certified to by a qualified representative.

Sec. 18-95. - Periodic compliance reports.

a) Any user or new source discharging into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or this Article. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 18-93(3). At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
b) The Director may also impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subsection (a) shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

Sec. 18-96. - Monitoring facilities.

The City may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building and sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample

room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the city and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

Sec. 18-97. - Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The city, state department of natural resources, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state department of natural resources, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sec. 18-98. - Pretreatment.

a) Industrial users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the City. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

b) The City shall annually publish in the major local newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user during the same twelve (12) months.

c) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or state department of natural resources upon request.

Sec. 18-99. - Confidential information.

a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

b) When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Article, the national pollutant discharge elimination system (NPDES) permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

c) Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the user.

Secs. 18-100—18-110. – Reserved

DIVISION 4. - PRIVATE SEWAGE DISPOSAL

Sec. 18-111. - Public sewer unavailable.

Sec. 18-112. - Isolation from municipal water supply.

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Sec. 18-113. - Availability of public sewer.
Sec. 18-114. - Owner to bear costs.
Sec. 18-115. - Additional requirements.
Secs. 18-116—18-135. - Reserved.
Sec. 18-111. - Public sewer unavailable.
Where a public sewer is not available under the provisions of Section 18-79, the building sewer shall be connected to an approved private sewage disposal system.
Sec. 18-112. - Isolation from municipal water supply.
No private sewage disposal system of any nature, design or method shall be within two hundred (200) feet of a well used as a source of a municipal water supply.
Sec. 18-113. - Availability of public sewer.
At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in section 18-79, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use, cleaned of sludge, and filled with clean bank-run gravel, or dirt.
Sec. 18-114. - Owner to bear costs.
The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.
Sec. 18-115. - Additional requirements.
No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.
Secs. 18-116—18-135. - Reserved.
DIVISION 5. - BUILDING SEWER AND CONNECTIONS
Sec. 18-136. - Sewer connection permit.
Sec. 18-137. – Sewer building connections; charges ~~Permit fee~~.
Sec. 18-138. – Maintenance, Repair, and Replacement ~~Installation~~ costs.
Sec. 18-139. - Separate building sewer.
Sec. 18-140. - Old building sewers.
Sec. 18-141. - Materials.
Sec. 18-142. - Size and slope.
Sec. 18-143. - Elevation.
Sec. 18-144. - Artificial lift.
Sec. 18-145. - Joints and connections.
Sec. 18-146. - Capacity.
Sec. 18-147. - Cleanout.
Sec. 18-148. - Construction.
Sec. 18-149. - Excavations.
Sec. 18-150. - Additional regulations.
Secs. 18-151—18-160. - Reserved.
Sec. 18-136. - Sewer connection permit.
No 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 Director. No building sewer shall be covered until after it has been inspected and approved by the Director.
Sec. 18-137. – Service connection; charges ~~permit fee~~.

a) Application for Sewer Building Connections shall be made to the City on forms prescribed and furnished by the City. The City may refuse to authorize a larger Sewer Building Connection than reasonably required by the premises served. Sewer Building Connections shall be installed by the City, or an approved, licensed and insured contractor, in accordance with rules and regulations of the City and upon payment of any required Frontage or Area Fee and Tap-In Fee. Frontage or Area Fees and Tap-In Fees shall not be less than the cost of materials, installation and overhead attributable to such installations.
b) All fees and charges shall be as prescribed by resolution of the City Council and adjusted accordingly to reflect the cost of providing the service and shall be as follows:

1) *Tap-In Fee:* A charge for the installation of a Building Sewer Connection by the City, requested by the property owner, covering the costs to remove street pavements and related street features, excavate trenches, tap services into Sewer Mains, install building sewer connections, including cleanouts, backfill and compact trenches, and repair the street pavement, curb and gutter, sidewalks, and landscaping. The property owner shall be responsible for costs to install the Building Sewer Connection in excess of the minimum charge established by the City. The property owner is responsible for all costs associated with installation of the Building Sewer and Building Drain, with the work to be inspected and approved by the City.
2) *Frontage or Area Fees:* A charge to recover the costs of extending the Sewer Main, if requested by a property owner and if necessary to provide sanitary sewer service to the property.
3) *Water Meter Fee:* A charge to offset the cost of installing a new water meter, including the cost of the meter itself, used to determine the use of both water and sewer service.
4) Renewal Fee: A charge to offset the City's cost of labor, equipment use, materials, and parts, including cleanout assemblies, associated with the repair or replacement by the Owner of all portions of the sanitary sewer transportation system between the Building and the Sewer Main.

~~1) The sanitary sewer connection fees shall be as prescribed by resolution of City Council and adjusted accordingly to reflect the costs of providing the services.~~
~~The Connection Fees shall be as follows: (See City Fee Schedule)~~
~~a) *Ready To Serve Fee:* shall be based upon factors including: volume of water used (water service size), wastewater treatment plant capacity, capital costs of pre-existing and ongoing costs of collection and treatment system components, buildings, overhead and administration, land, pumping stations and facility improvements. *Ready to Serve Fee* shall mean: *An initial fee levied on all new connections to the system and/or a onetime fee levied on a user when there is a change in the size of water service line or an increase in volume usage which changes the otherwise applicable Ready to Serve charge. (See Fee Schedule)*~~
~~b) *Tap In Fee:* A minimum charge *(See Fee Schedule)* shall be based upon costs to cut and remove street pavements and related street features, excavate trenches, tap into sanitary sewer mains and install lead to the property line with clean out at property line, backfill and compact trenches, repair the street pavement, curb and gutter, sidewalks, landscaping and other related costs. Property owners will be responsible for all costs that exceed the minimum charge. Work shall be completed by the City of Rogers City or an approved, licensed and insured contractor, in accordance with rules and regulations of the City and upon payment of the required connection fees. Work shall be inspected and approved by the City. The property owner is responsible for all installation costs from the property line to the building and the installation shall be inspected and approved by the City. Payments for installation of services must be received prior to beginning work and will be based on actual costs upon completion of work. Note: *For services installed by Special Assessment or by Private Developers, the Tap In Fee may be reduced or waived, but the full cost of the service connection, including repair of roadway base and pavement, (all to City of Rogers City specifications), shall be paid by the property owner.*~~
~~c) *Frontage or Area Fees: (for construction after July 1, 2002)* may be charged in order to recover the costs of extending the mains and providing the service. *Frontage and Area Fees* may be levied before connection to the system for properties that have never had sewer service previously, or where a sewer main is presently installed to service the premises. *Frontage or Area Fees* will be computed based upon actual costs of providing the services, including the extension of mains and leads to the property line. Note: *Properties in which Special Assessments have been levied or private developers have paid for utility construction, Frontage or Area Fees may be reduced or waived.*~~
~~d) The sanitary sewer Connection Fees shall be waived for utilization of a service which serves a former structure on the property.~~
~~e) The above *Connection Fees shall not be considered retroactive.* In cases where connection fees, special assessments or agreements have been previously reached and/or paid for, those agreements shall be honored.~~
~~2) No fee shall be charged for connection to the storm sewer system, but the full cost of the service construction, including repair of roadway base and pavement, (all to City specifications) shall be paid by the property owner.~~

Sec. 18-138. – Maintenance, Repair, and Replacement ~~Installation~~ costs.

The City is responsible for all costs and expenses associated with the maintenance, repair, and replacement of the Sewer Main, including that portion of the fitting to the Building Sewer Connection that runs parallel with the Main. The property owner is responsible upon notification to the City for all costs and expenses associated with the maintenance, repair, and replacement of that portion of the Sewer pipe between the building and the Sewer Main.

to include the Building Drain, Building Sewer, and Building Sewer Connection, including that portion of the wye connection to the Sewer Main that runs parallel with the Building Sewer Connection, with the following exception: ~~all costs and expenses incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the owner.~~

a) In instances when an owner replaces the entirety of a Building Sewer Connection, the City will cover the cost of asphalt and cement replacement within the public right-of-way where removal of such is determined by the City to be necessary.

Sec. 18-139. - Separate building sewer.

A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.

Sec. 18-140. - Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director to meet all requirements of this Article.

Sec. 18-141. - Materials.

The building sewer shall be constructed of pipe ~~Schedule 40 PVC plastic pipe, minimum, as~~ approved by the Director. The City reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in a concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Director.

Sec. 18-142. - Size and slope.

The size and slope of the building sewer shall be subject to approval by the Director, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall be not less than one-quarter inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth-inch per foot unless otherwise permitted.

Sec. 18-143. - Elevation.

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. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.

Sec. 18-144. - Artificial lift.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Director and discharged to the building sewer.

Sec. 18-145. - Joints and connections.

All joints and connections shall be made gastight and watertight. All joints shall be inspected and approved by the Director.

Sec. 18-146. - Capacity.

No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

Sec. 18-147. - Cleanout.

All newly constructed building sewers shall have properly sized cleanouts at the head of the sewer and at the property line that are accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.

Sec. 18-148. - Construction.

All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards."

Sec. 18-149. - Excavations.

All excavations for building sewer installation shall be adequately guarded and lighted so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city and in accordance with ~~chapter 25~~ the City's Code of Ordinances.

Sec. 18-150. - Additional regulations.

The City Manager may make and issue additional rules and regulations concerning the sewage disposal system, connections, maintenance and appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council.

Secs. 18-151—18-160. – Reserved.

DIVISION 6. - USE OF THE PUBLIC SEWERS

Sec. 18-161. - General discharge prohibitions.
Sec. 18-162. - Specific pollutant limitation.
Sec. 18-163. - National categorical pretreatment standards.
Sec. 18-164. - State requirements.
Sec. 18-165. - City's right of revision.
Sec. 18-166. - Surface water.
Sec. 18-167. - Interceptors.
Sec. 18-168. - Interceptor maintenance.
Sec. 18-169. - Discharges subject to review.
Sec. 18-170. - Discharges subject to surcharge.
Sec. 18-171. - Measurements and tests.
Sec. 18-172. - Flow determination.
Sec. 18-173. - Excessive discharges.
Sec. 18-174. - Accidental discharge.
Sec. 18-175. - Special agreements.
Secs. 18-176—18-185. - Reserved.

Sec. 18-161. - General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to the national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The City may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A user may not contribute the following substances to any POTW:

1) Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flesh, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
3) Any wastewater having a pH outside the specified limits of the municipality's NPDES permit ~~less than 6.0 or greater than 9.6, or~~ wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.
4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. This prohibition of toxic pollutants will conform to section 307(a) of the Act.
5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

9) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Celsius or one hundred four (104) degrees Fahrenheit.
10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.
12) Any wastewater which causes a hazard to human life or creates a public nuisance.
13) Any unpolluted water including, but not limited to stormwater, groundwater, roof water or noncontact cooling water.
14) Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
15) Any waste from individual sewage disposal systems unless approved in advance by the Director. ~~except at the POTW treatment plant as provided in Division 7 of this article, except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the City, which agreement shall specify the site of disposal, sewage disposal charge, and such other conditions as may be required to satisfy the sanitation and health requirements of the City. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic, or other water carried sanitary waste or sewage other than a public sanitary sewer.~~
16) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

Sec. 18-162. - Specific pollutant limitation.

No person shall discharge wastewater containing levels of cadmium, copper, cyanide, lead, mercury, nickel, silver, chromium, zinc, nitrogen, iron, COD, BOD, suspended solids, phosphorous, fat, oil, grease, polychlorinated biphenyl, or phenolic compounds that, in the opinion of the Director, could interfere with the sewage treatment process, cause difficulties or damage to the receiving waters, or cause the municipality to violate the terms of its NPDES permit..

~~(1) .01 mg/l cadmium~~
~~(2) 1.0 mg/l copper~~
~~(3) .1 mg/l cyanide~~
~~(4) .1 mg/l lead~~
~~(5) Detectable levels of mercury~~
~~(6) .75 mg/l nickel~~
~~(7) .005 mg/l silver~~
~~(8) 2.5 mg/l total chromium~~
~~(9) 2.5 mg/l zinc~~
~~(10) 10 mg/l total Kjeldahl nitrogen~~
~~(11) 10 mg/l phenolic compounds which cannot be removed by the POTW wastewater treatment process~~
~~(12) 700 mg/l COD~~
~~(13) 100 mg/l by weight of fat, oil or grease~~
~~(14) 200 mg/l BOD~~
~~(15) 200 mg/l suspended solids~~
~~(16) 5 mg/l phosphorus~~
~~(17) 50 mg/l iron~~
~~(18) 15 mg/l chlorine demand at 20 minutes~~
~~(19) Detectable levels of polychlorinated biphenyl~~

~~a) Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process, or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by order of the Director.~~

~~b) Should any other substance either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Director. Should the Director determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Director may raise the limits, and shall determine the individual concentrations depending on quantity of flow, equipment capabilities, reliability of testing, etc.~~

Sec. 18-163. - National categorical pretreatment standards.

Upon the promulgation of the national categorical pretreatment standards for a particular subcategory, the pretreatment standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article. The Director shall notify all affected users of the applicable reporting requirements.

Sec. 18-164. - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Article.

Sec. 18-165. - City's right of revision.

The City reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Division 1 of this Article.

Sec. 18-166. - Surface water.

a) No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the City.

b) Downspouts and roof leaders shall be disconnected from sanitary sewers ~~by April 2, 1990~~. If this is not done, the City shall perform this work and bill the user.

c) Stormwater, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the state water resources commission.

Sec. 18-167. - Interceptors.

Grease, oil and sand interceptors shall be provided when in the opinion of the director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

Sec. 18-168. - Interceptor maintenance.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Sec. 18-169. - Discharges subject to review.

~~a) The admission into the public sewers or any waters or wastes containing the followng shall be subject to review and approval by the Director:~~

~~(1) Five day BOD greater than two hundred (200) parts per million by weight;~~

~~(2) More than two hundred (200) parts per million by weight of suspended solids;~~

~~(3) More than five (5) parts per million by weight of phosphorus;~~

~~(4) Any quantity of substances having the characteristics described in section 18-161, or~~

~~(5) Average daily flow greater than two (2) percent of the average daily sewage flow of the city, or having a rate of flow (gallons per day) greater than ten (10) percent of the average daily city flow for a period of one (1) hour or more.~~

b) If deemec necessary by the Director, ~~here necessary in the opinion of the city,~~ the owner shall provide at his expense, such preliminary treatment as may be necessary to (1) reduce ~~the five day~~ BOD, suspended solids, and phosphorus to concentrations that will not interfere with the sewage treatment process, cause difficulties or damage to the receiving waters, or cause the municipality to violate the terms of its NPDES permit.: ~~the concentrations given in subsections (a)(1), (2), and (3) above, or to~~ (2) reduce objectionable characteristics of constituents to within the maximum limits provided for in section 29-161, or (3) control the quantities and rates of discharge of such waters or wastes.

~~Sec. 18-170. - Discharges subject to surcharge.~~

~~a) Where in the opinion of the Director the strength of sewage from an industrial, commercial or institutional establishment exceeds two hundred (200) parts per million by weight of biochemical oxygen demand or two hundred (200) parts per million by weight of suspended solids or five (5) parts per million by weight of phosphorus, and where such wastes are permitted to be discharged to the sewer system by the director, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the city. The cost of any subsequent sampling and testing~~

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~~shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the City wastewater treatment plant.~~

~~b) Added charges shall be determined by the City. These charges shall be based on the cost of operation, maintenance and equipment replacement for the sewage works.~~

Sec. 18-171. - Measurements and tests.

All measurements, tests and analyses of the characteristics of water to which reference is made in sections 18-161 and 18-169 shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in section 18-96, or upon suitable samples taken at the control manhole. If 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.

Sec. 18-172. - Flow determination.

To determine the sewage flow from any establishment, the Director may use one (1) of the following methods:

1) The amount of water supplied to the premises by the city or a private water company as shown upon the water meter if the premises are metered;
2) If such premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the director from the water, gas or electric supply;
3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the director from the water, gas or electric supply;
4) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the director pursuant to Division 6 of this Article; or
5) A figure determined by the Director by any combination of the foregoing or by any other equitable method.

Sec. 18-173. - Excessive discharges.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. Dilution may be an acceptable means of complying with some of the prohibitions set forth in section 18-161, upon prior written approval of the Director.

Sec. 18-174. - Accidental discharge.

a) *Generally.* Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All required users shall complete such a plan within one hundred eighty (180) days of being notified to do so by the Director ~~after the adoption of Ordinance No. 90-05. If required by the City, a user who commences contribution to the POTW after the effective date of Ordinance No. 90-05 shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City.~~ Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
b) *Written notice.* Within five (5) days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall ensure

that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 18-175. - Special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the City and any person whereby waste of unusual strength of character may be accepted by the City, subject to payment therefor by the person provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

Secs. 18-176—18-185. - Reserved.

DIVISION 7. - DISPOSAL AT POTW TREATMENT PLANT

Sec. 18-186. - Individual sewage system wastes.

Sec. 18-187. - Rates.

Secs. 18-188—18-200. - Reserved.

Sec. 18-186. - Individual sewage system wastes.

No waste from individual sewage systems may be accepted without permission of the Director ~~Superintendent at the POTW treatment plant. No waters or wastes described in section 18-161(15) shall be disposed of at the POTW treatment plant; Sec. 18-187. - Rates.~~

~~Rates for disposal at the POTW treatment plant shall be determined by the Superintendent at the time of acceptance.~~

Secs. 18-187—18-200. - Reserved.

DIVISION 8. - FEES FOR INDUSTRIAL PRETREATMENT

Sec. 18-201. - Purpose.

Sec. 18-202. - Description of charges and fees.

Secs. 18-203—18-215. - Reserved.

Sec. 18-201. - Purpose.

It is the purpose of this Article to provide for the recovery of costs from users of the POTW for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

Sec. 18-202. - Description of charges and fees.

a) The City shall establish and charge fees for:
   (1) Reimbursement of costs of setting up and operating the pretreatment program;
   (2) Monitoring, inspections and surveillance procedures;
   (3) Reviewing accidental discharge procedures and construction;
   (4) Filing appeals;
   (5) Consistent removal by the City of pollutants otherwise subject to federal pretreatment standards; and
   (6) Others as the city may deem necessary to carry out the requirements contained herein.
b) Additional surcharges may be made by the City to compensate the City for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW.
c) There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each industrial user.
d) The charges and fees for the services provided by the system shall be levied upon any user which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

Secs. 18-203—18-215. – Reserved.

DIVISION 9. - PROTECTION FROM DAMAGE

Sec. 18-216. - Protection from damage.

Secs. 18-217—18-230. - Reserved.

Sec. 18-216. - Protection from damage.

No unauthorized person shall enter or 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.

Secs. 18-217—18-230. - Reserved.

DIVISION 10. - POWER AND AUTHORITY OF INSPECTORS

Sec. 18-231. - Right of entry.

Sec. 18-232. - Indemnification.

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Secs. 18-233—18-245. - Reserved.

Sec. 18-231. - Right of entry.

The Director and other duly authorized employees of the City acting as his duly authorized agents, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this Article.

Sec. 18-232. - Indemnification.

While performing the necessary work on private properties referred to in section 18-231, the Director or other duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death of the City employee and the City shall indemnify the company against loss or damage to its property by City employees or property damage claims asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions are required in Division 6 of this Article.

Secs. 18-233—18-245. - Reserved.

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DIVISION 11. - ENFORCEMENT

Sec. 18-246. - Wastewater discharges.
Sec. 18-247. - Harmful contribution.
Sec. 18-248. - Notification of violation.
Sec. 18-249. - Show cause hearing.
Sec. 18-250. - Legal action.
Secs. 18-251—18-260. - Reserved.

Sec. 18-246. - Wastewater discharges.

It shall be unlawful to discharge to the waters of the state within the City, or in any area under the jurisdiction of the City, and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Article except as provided by an NPDES permit.

Sec. 18-247. - Harmful contribution.

a) The City may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the City, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the POTW, or causes the City to violate any condition of its NPDES permit.
b) The City may seek to terminate the wastewater treatment services to any user which:
   1) Fails to factually report the wastewater constituents and characteristics of its discharge;
   2) Fails to report significant changes in wastewater constituents or characteristics;
   3) Refuses reasonable access to the user's premises by representatives of the City for the purpose of inspection or monitoring; or
   4) Violates the conditions of this Article, of any final judicial order entered with respect thereto.
c) Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

Sec. 18-248. - Notification of violation.

Whenever the City finds that any user has violated or is violating this Article, or any prohibition, limitation of the requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

Sec. 18-249. - Show cause hearing.

a) Any user subject to enforcement action under the provisions of this article may request a hearing within ten (10) days of receipt of notification of a proposed enforcement action. A hearing is to be held by the Director concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the director why the proposed enforcement action should not be taken.
b) The Director may conduct the hearing and take the evidence, or may designate any officer or employee to:
   1) Issue in the name of the director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
   2) Take the evidence;
   3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.
c) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charge thereof.
d) After the Director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate

treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that the devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

e) The Director shall also establish appropriate surcharges or fees to reimburse the city for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this Article.

f) Any action by the Director may be appealed to the City Council.

g) Any user for any reason can use this same appeals procedure.

Sec. 18-250. - Legal action.

If any user discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system, or violates any other provision of this Article contrary to the provisions of this Article, federal, or state pretreatment requirements, or any order of the City, the city attorney may commence an action for appropriate legal and/or equitable relief in the court of this county.

Secs. 18-251—18-260. - Reserved.

DIVISION 12. - PENALTIES

Sec. 18-261. - Notice.
Sec. 18-262. - Penalties generally.
Sec. 18-263. - Penalties for damages.
Sec. 18-264. - Liability for damages.
Sec. 18-265. - Falsifying information.
Secs. 18-266—18-275. - Reserved.

Sec. 18-261. - Notice.

Any person found to be violating any provision of this Article except section 18-216 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.

Sec. 18-262. - Penalties generally.

Any person who continues any violation beyond the time limit provided for in Section 18.261 shall be responsible for a municipal civil infraction punishable by a fine of not more than $500.00. The City Manager or City Police are authorized to issue citations.

Sec. 18-263. - Penalties for damages.

In addition to making restitution as provided in section 18.264, any person who violates the provisions of Section 18.216 shall be responsible for a municipal civil infraction punishable by a fine of not more than $500.00. The City Manager or City Police are authorized to issue citations.

Sec. 18-264. - Liability for damages.

Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage caused the City by reason of such violation.

Sec. 18-265. - Falsifying information.

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) or be imprisoned for not more than six (6) months, or both.

Secs. 18-266—18-275. - Reserved.

DIVISION 13. - RECORDS RETENTION

Sec. 18-276. - Records to be retained.
Secs. 18-277—18-285. - Reserved.

Sec. 18-276. - Records to be retained.

All users subject to this Article shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereto, relating to monitoring, sampling, and chemical analyses made by or in behalf of a user in connection with the user's discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

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Secs. 18-277—18-285. - Reserved.

DIVISION 14. - RECORDS

Sec. 18-286. - Audit required.

Sec. 18-287. - Annual review of sewer charge system.

Sec. 18-288. - Classification review.

Sec. 18-289. - Insurance.

Secs. 18-290—18-300. - Reserved.

Sec. 18-286. - Audit required.

The City will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The City will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

Sec. 18-287. - Annual review of sewer charge system.

In conjunction with the audit, there shall be an annual review of the sewer charge system for adequacies meeting expected expenditures for the following year and to insure proportionality among user classes as required by federal regulations.

Sec. 18-288. - Classification review.

Classification of old and new industrial users also shall be reviewed annually.

Sec. 18-289. - Insurance.

The City will maintain and carry insurance on all physical properties of the system, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be solely for the replacement and restoration of the property damaged or destroyed.

Secs. 18-290—18-300. - Reserved.

~~*DIVISION 15. - VARIANCES*~~

~~Sec. 18-301. - Application for variance.~~

~~Secs. 18-302—18-310. - Reserved.~~

~~Sec. 18-301. - Application for variance.~~

~~Any person, upon written application to the City Manager's office within ninety (90) days after the effective date of Ordinance No. 90-05, as amended, who shows, in the case of the activity being conducted or operated, that compliance with Division 6 of this Article would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the City Manager for a reasonable time, not to extend beyond two (2) years from the effective date of Ordinance No. 90-05, as amended, at which date all variances shall terminate and after which date no new variances will be granted. Any person granted a variance by the city manager within six (6) months from the date of the granting of the variance shall make reports to the city manager periodically as to the progress being made toward compliance with division 6 of this article. A variance shall not be granted under the provisions of this section where a person applying therefor is causing a public nuisance or other injury to the general public, or is subject to a national categorical standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.~~

~~Secs. 18-302—18-310. - Reserved.~~

DIVISION ~~16~~ (15). - VALIDITY, SEVERABILITY, CONFLICT

Sec. ~~18-311~~ (18-301). - Severability.

Sec. ~~18-312~~ (18-302). - Conflict.

Secs. ~~18-313~~ (18-303)—~~18-325~~ (18-324). - Reserved.

Sec. 18-311. - Severability.

The provisions of this Article are severable, and if any of the provisions, words, phrases, clauses, or terms, or the application thereof to any person, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.

Sec. 18-312. - Conflict.

All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Article, shall be deemed not to apply; provided that nothing herein contained shall

be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this Article.

Secs. 18-313—18-325. - Reserved.

~~*DIVISION 17. RATES AND CHARGES FOR CITY SERVICES*~~

~~Sec. 18-325. Definitions~~

~~Sec. 18-326. Establishment and computation of monthly charges Established, to whom applicable, basis for computation.~~

~~Sec. 18-327. Amounts, billings, sewer service charges.~~

~~Sec. 18-328 (18-327). Annual audit.~~

~~Sec. 18-329 (18-328). No free service.~~

~~Sec. 18-330. Billing.~~

~~Sec. 18-331. Failed meters.~~

~~Sec. 18-332. Inaccurate meters.~~

~~Sec. 18-333 (18-333). Termination of service for nonpayment.~~

~~Sec. 18-334 (18-334). Collection of delinquent accounts.~~

~~Sec. 18-335 (18-335). Annual notification.~~

~~Secs. 18-334 (18-336)—18-355. Reserved.~~

~~Sec. 18-325. Definitions.~~

~~The following definitions shall apply in the interpretation of this article:~~

~~*Base Rate Charge (Sewer)* means the flat portion of the monthly sewer bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off, if a Building Sewer Connection is available to the property.~~

~~*Base Rate Charge (Water)* means the flat portion of the monthly water bill to metered customers based upon the size of the Water Service Connection to the customer, due whether water is on or off, if a Water Service Connection is available to the property.~~

~~*Building sewer connection* means the sewer line which connects the sewer main to the building sewer at the clean out at or near the property line and clean out.~~

~~*Commodity Charge (Sewer)* means the variable portion of the monthly sewer bill based upon use of the sewer system by the customer as determined by the water meter.~~

Commodity Charge (Water) means the variable portion of the monthly water bill based upon the metered consumption of water by the customer.

~~*Flat Rate Sewer Charge* means a monthly fee billed to a non-metered property which is connected to the City sewer system but not to the City water system. Fee is based on estimated use and paid instead of a base rate charge or commodity charge; multi-use facility charges may still apply.~~

~~*Multi-Unit Charge* means a per unit fee included on the monthly sewer and water bills of those who own buildings including three or more units.~~

~~*Water Service Connection* means the appurtenances and piping material inside the City right of way from the water main to and including the curb stop or, in commercial applications, up to at or near the property line.~~

~~Sec. 18-326. Establishment and computation of monthly charges Established, to whom applicable, basis for computation.~~

~~Rates and Monthly charges for the connection to, and use of, the water and wastewater systems of the City are hereby established. Revised rates for total sewer service charges may be established annually by resolution of the City Council, which may be enacted apart from this Code as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt retirement and capital costs. Such charges and rates shall be made against all each lot, parcel of land, or premises with access to a Water Service Connection or Building Sewer Connection which may have any sewer connections with the sewer system of the city, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Such charges shall be based upon the quantity of water used thereon or therein. Monthly charges for both water and sewer are based on size of Water Service Connection, metered consumption of water, and number of units within the building served. Unmetered buildings with access to sewer but not water are charged a flat rate based on an assumed rate of consumption adopted by the City. The monthly charges applied by the City include the following:~~

~~e) Base Rate Charge is a flat monthly water and sewer fee based on the diameter of Water Service Connection through which property is served, charged to all metered properties to which a Water Service Connection and/or Building Sewer Connection is available even if the water to the property is shut off.~~

~~f) Commodity Charge is a variable monthly water and sewer fee based on the metered amount of water consumed, also used to determine customer's use of sanitary sewer system.~~

~~g) Multi Unit Charge is a flat monthly per unit water and sewer fee billed to all multi unit facilities of three or more.~~

~~h) Flat Rate Sewer Charge is billed in lieu of the Sewer Base Rate Charge and Sewer Commodity Charge to non-metered properties with access to City sanitary sewer service but not City water service.~~

~~Sec. 18-327. Amounts, billings, sewer service charges.~~

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a) The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, by such equitable method as shall be determined by the city, and shall be collected at the same time, and in the same manner as provided for the payment of charges for water used, except in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the city may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the city before discharging such sewage into the sewage disposal system. Rates for all users obtaining all or part of their water supply from sources other than the city's water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the city.

b) The rate to be billed for use of the system shall be as follows for all users within the sanitary sewer service area of the city except as otherwise provided herein. The monthly user charges and surcharges *(for extra strength waste)* shall be as prescribed by resolution of the City Council and adjusted accordingly to reflect the cost of providing the service. *(See Comprehensive City Fee Schedule)*

i) *Monthly User Charges:(See Fee Schedule)*
Commodity charge *(per 100 cubic feet used)*
Billing charge *(Administrative cost)*
Capital charge *(Debt retirement and Capital improvements)*
Flat Rate *(for un-metered customers)*

j) *Surcharge BOD* for wastewater in excess of 200 mg/l, shall be charged at an additional rate per pound of BOD. *(see Fee Schedule)*

k) *Surcharge Suspended Solids* for wastewater in excess of 200 mg/l, shall be charged at an additional rate per pound of Suspended Solids *(see Fee Schedule)*

l) *Surcharge Phosphorus* for wastewater in excess of 5 mg/l, shall be charged at an additional rate per pound of Phosphorus. *(see Fee Schedule)*

m) *Laboratory Charges* for wastewater analysis of samples shall be based on number of Parameters analyzed for and Lab time involved. (see Fee Schedule)

c) The above charges, other than the capital charge, are user charges to pay the operation, maintenance and replacement of the sewage works and they are the same for customers located inside or outside the city and the equality of rates shall exist in any future modifications.

Sec. 18-328. - Annual audit.

b) The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the sewer systems as are necessary to preserve the same in good repair and working order.

c) An annual audit shall be prepared and considered as part of an annual review of the monthly charges. The monthly charges shall be revised as necessary to meet system expenses. Such rates shall be reviewed annually fixed and revised as from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on the audit, rates for water and sewage services shall be reviewed annually and revised as necessary to meet system expenses and to ensure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

Sec. 18-329. - No free service.

No free service shall be allowed for any user of the City's water or wastewater systems.

Sec. 18-330. - Annual notification.

All customers of the City's water and/or wastewater systems will be given annually, prior to any revision thereto, a public disclosure of monthly water and sewer charges an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer bill into its components for operation, maintenance and replacement and for debt retirement.

Sec. 18-330. - Billing.

Charges for water and sewer service shall be billed and collected monthly. All water meters shall be read prior to last day of every month and bills rendered not later than the seventh of the month following the meter reading. Bill shall be immediately due and payable and may be paid without penalty up to and including the seventeenth day of the month when rendered. If such charges are not paid on or before the applicable due date, a penalty of five (5) percent shall be added thereto.

Billing for water and wastewater service shall be the city's responsibility. All water meters shall be read monthly and bills rendered monthly.

Sec. 18-331. - Failed meters.

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

Sec. 18-332. - Inaccurate meters.

~~f) A consumer may require that the meter be tested. If the meter is found accurate, a charge will be made as prescribed by resolution of the council. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made.~~

~~g) A meter shall be considered accurate if, when tested, it registers not to exceed five (5) percent more or five (5) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.~~

~~h) If a meter tested at the request of a consumer is determined to register "fast," the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the consumer within the three (3) months prior to the test.~~

~~i) If a meter tested at the request of a consumer is determined to register "slow," the City may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months.~~

~~j) When the City, on its own initiative, makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow."~~

~~Sec. 18-321. Termination of service for nonpayment.~~

~~If payment is not received or satisfactory arrangements have not been made within sixty (60) thirty (30) days of the due date on the bill, a shutoff notice will be sent by first class mail to inform the user that failure to respond will result in termination of water sewer service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the water sewer service shall be shut off. No water sewer service that has been discontinued due to nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made. There shall be a water turn off charge associated with non payment which shall be established annually by resolution of the City Council.~~

~~Sec. 18-322. Collection of delinquent accounts.~~

~~a) The City is authorized to enforce the payment of charges for water or sewer service to any premises by discontinuing the water service to such premises, and an action of the assumpsit may be instituted by the city against the customer. The charges for water and sewer service shall be a lien against the premises. The City Treasurer shall, annually on June 1, take necessary actions to have all amounts delinquent by more than 60 days on the next tax roll of the City. Such charges to be assessed shall be collected in the same manner as general City taxes.~~

~~d) In cases where the city is properly notified that a tenant is responsible for water or sewer charges, no such service shall be commenced or continued to such premises until there has been deposited with the City a sum established by City Council. Such deposits may be applied against any delinquent water or sewer charges and the application thereof shall not affect the right of the City to turn off the water service to any premises for any remaining delinquency. Such deposit, or any remaining deposit balance, shall be returned to the customer when the customer discontinues receiving water and/or sewer service with the City.~~

~~Monthly charges for water and sewer disposal service furnished to any premises within the City shall be a lien against the premises. Enforcement of this lien shall be made pursuant to City code and/or statute. This lien remedy does not preclude any other remedy provided by law. Those premises outside the city that are served by the city's wastewater system that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between the city and the governmental unit.~~

~~Secs. 18-324—18-355. Reserved.~~

IX. This ordinance shall be published within 15 days after its adoption.

X. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried

PRESQUE ISLE MEN'S SOFTBALL LEAGUE - REQUEST
RESOLUTION NO. 2024-36

A motion was made by Council Member Adair, seconded by Council Member Nowak, to approve the request from the Presque Isle Men's Softball League for use of the Sports Park.

ROLL CALL: Ayes – All, the motion carried

SCHEDULE WORKSHOP/RESCHEDULE MEETING
RESOLUTION NO. 2024-37

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to schedule a workshop on April 2, 2024 at 9 am and continue with the regular meeting at 10 am.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

ADJOURNMENT:
With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 9:36 am.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, MARCH 19, 2024

Mayor McLennan called the meeting to order at 6 p.m. The robotics team led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.
CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Officer Bruce Collins, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA
It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda tabling the city waste utility ordinance and add to new business: recognition of the Rogers City Robotics Team.
ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:
Wayne Vermilia addressed Council regarding the success of the harbor and needed infrastructure.
Mayor McLennan read the Rogers City High School Robotics team proclamation.

APPROVAL OF MINUTES
It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of March 5, 2024 be approved as written.
ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:
CHECK AND INVOICE APPROVAL:
It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of $279,537.50 and the Mayor is authorized to sign the check register.
ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT:
City Atty. Vogler stated that if meetings are recorded, the recordings would have to be kept until the minutes are approved.

CITY MANAGER'S REPORT:
City Mgr. Hefele reported that the Urban lawsuit has been dismissed.

COMMISSION AND LIAISONS: None.

MAYOR:
Mayor McLennan stated that the Main Street Director Alex Harimoto has resigned.

UNFINISHED BUSINESS:
ORDINANCE 2024-04 CITY WASTEWATER UTILITY 2ND READING AND ADOPTION
Tabled.

ORDINANCE 2024-TBD OCCUPANCY LIMITS FIRST READING
City Mgr. Hefele reviewed the language. Discussion was had regarding the pros and cons of the wording.

RESOLUTION 2024-38
A motion was made by Council Member Nowak seconded by Council Member Fuhrman to move the occupancy topic to an upcoming workshop agenda.
ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

PLOW TRUCK PROPOSALS
RESOLUTION NO. 2024-39
A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to authorize City Mgr. Hefele to move forward with the plow truck bids from Zaremba Equipment and Truck and Trailer Specialties.
ROLL CALL: Ayes – All, the motion carried.

INVEST AVENUE OF FLAGS FUNDS
Mayor McLennan reviewed the history of the Avenue of Flags and recommended moving the funds to the Community Foundation.

RESOLUTION NO. 2024-40
A motion was made by Council Member Nowak, seconded by Council Member Adair, to transfer the remaining Avenue of Flags funds to the Community Foundation of Northeast Michigan.
ROLL CALL: Ayes – All, the motion carried.

REPLACEMENT OF CITY HALL DOORS
RESOLUTION NO. 2024-41
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to amend the budget for City Hall siding replacement by $5,000 to install two new doors in City Hall.
ROLL CALL: Ayes – All, the motion carried.

USE OF FORMER FIRE HALL BY POST OFFICE
RESOLUTION NO. 2024-42
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the Post Office use of the fire hall with an end date of Labor Day pending insurance coverage and other details to be worked out by City Mgr. Hefele.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

CLOSED SESSION:

RESOLUTION NO. 2024-43
A motion was made by Council Member Bielas, seconded by Council Member Nowak, to enter into Closed Session to discuss collective bargaining strategy.
ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 6:50 pm. Upon reconvening in public session at 7:26 pm no action was taken.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:27 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER