

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #03-2015

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 48, UTILITIES, ARTICLE III, SEWERS, DIVISION I,
GENERALLY BY AMENDMENT OF SECTION 48-110—48-113 REQUIRED
CONNECTION, MAINTENANCE REQUIREMENTS AND COSTS.**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 48, Utilities
Article III, Sewers

Sections 48-110 through 48-113 are hereby repealed and readopted to hereafter read as follows:

Sec. 48-110. - Required connection.

Every building or structure that includes a plumbing system shall be connected to the city sanitary sewer system. One connection, also known as a sanitary lead, shall be required for each main structure or house to connect the structure or house to the city sanitary sewer main. The connection, or sanitary lead, shall be maintained without defects as required herein.

Sec. 48-111. - Responsibility for maintenance of sewer system.

- A. All maintenance of the city sewers, including the repair and replacement of existing city sanitary sewers and city storm-water sewers, and pump stations, shall be under the jurisdiction of the department of water and sewer maintenance. The department of water and sewer maintenance may provide additional services to the users of the system.
- B. All maintenance of private sewers, building sewers, building drains, connections to the public sanitary or public storm-water sewer, or sanitary leads which connect a structure to the public city sewer shall be maintained free of any defects at the property owner's expense.
- C. Every lessee, owner or occupant who connects or has connected any building or structure to the city's sewer system shall be responsible for any and all costs associated with the connection and any installation, repair and maintenance of any sewer leads, taps or appurtenances connected to the city's sewer system. The city shall

not be responsible for any damages caused by the installation, repair and maintenance of any sewer leads, taps or appurtenances connected to the city's sewer system. The lessee, owner or occupant shall be responsible for all such costs without regard to placement under a street, alley or right-of-way.

- D. Any damage to the sewer system caused by any repair or maintenance undertaken by a lessee, owner, occupant, or their agent, shall be immediately reported to the city inspector and, thereafter, immediately corrected at their own expense. If the lessee, owner, occupant, or their agent, refuses or is unable to repair said damage, the city may enter onto the premises to make the required repairs and thereafter invoice the lessee, owner or occupant for the expense of the repair. If the lessee, owner or occupant has not paid or otherwise refuses to pay the invoice after 90 days, the city may assess the repair expense against the property and take a lien for the amount owed, which shall thereafter be placed on the next general tax roll for collection.
- E. In all cases where private drains and sewers shall be obstructed or damaged or shall cause the obstruction or damage to any lateral or public sewer so as to produce, in the opinion of the city engineer, a necessity for repair, the department of water and sewer maintenance shall give notice to the owners or parties in interest of the disrepair, and proceed as follows:

- (1) If the owners or parties in interest of the private drains or sewers fail to effect the necessary repairs to the private drains or sewers within ten days of receipt of notice of disrepair, the city shall have the right to enter on the premises of property connected with and serviced by the private drains or sewers and cause the necessary repairs to be made. Such expenses incurred for repairs shall be charged to the owners or parties in interest of the properties connected with and serviced by such private drains or sewers in a ratable proposition, and, if not paid, shall be collected in accordance with section D above.
- (2) If in the opinion of the city engineer a situation is deemed to be an emergency, the city shall make the necessary emergency repairs to the public or lateral sewers, or public property damaged incidentally thereto, and shall be reimbursed for the actual cost of such repairs in accordance with section D above.

Sec. 48-112. - Costs.

- A. The cost of repairing and replacing the city or public sewer system components shall be paid from the funds of the department of water and sewer maintenance.

- B. The department of water and sewer maintenance shall charge and collect a fee to perform certain miscellaneous services for users of the sewer system, including, but not limited to, cleaning, televising and abandonment of lines and/or leads. The fee associated with such services shall be set by council resolution from time to time.
- C. The costs for maintaining and/or replacing the connection with a structure also known as the sanitary lead to the city or public sewer shall be paid for in the entirety by the property owner.
- D. Nothing contained in this article shall be construed as limiting in any manner the powers of the city to declare a public nuisance under 48-123 and abate such nuisance in accordance with the provisions of the Charter and this Code.

Sec. 48-113. – Connection permit required, bond and insurance prerequisite to issuance

- A. No person shall excavate for, establish or make any connection with any city sewer or sewer pipe, or cause same to be done, unless he complies with the provisions of this Code, the state laws and all lawful regulations, and unless he first procures a permit from the city engineer or the department of water and sewer maintenance.
- B. No permit shall be granted for the doing of any work under this section until a bond and policy of insurance have been filed with the city engineer or the department of water and sewer maintenance. The bond and policy of insurance shall be in such amount as set by the engineer, or his designee, so as to repair to original condition. All bonds and policies of insurance shall be conditioned to pay for all damages to the sewer system of the city and to hold the city and its agents harmless from every other damage of every other nature, whether to persons or property for which such city may be held liable by reason of, or which is occasioned by, the doing of a thing or the exercise of the privilege for which the permit upon which the bond and policy of insurance were based, was granted.

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any

reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **23rd day of June, 2015.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park