

Memorandum



Date: January 7th, 2026
To: Buchanan City Commission
From: Tony McGhee
Subject: Sanitary Sewer Lateral Ordinance

Background

A sanitary sewer lateral is the portion of the sewer line that connects an individual property's plumbing system to the City's main sewer line, typically running from the structure through the parcel and public right-of-way or street. The lateral carries wastewater from the property to the public sewer system.

In most communities, the property owner is responsible for the maintenance, repair, and replacement of their private sewer lateral, including the section that extends from the building to the connection point at the City's main line. This standard practice ensures that property owners are accountable for maintaining the private infrastructure that directly serves their property, while the City maintains the public portion of the sewer system. For approximately two decades, it has been the City of Buchanan's policy that property owners bear responsibility for their sewer laterals. However, this responsibility has not been explicitly codified in the City's Sewage Disposal Ordinance, which can lead to confusion when issues arise.

Recommendation

City staff, in coordination with the City Attorney, have prepared an amendment to the City's Sewage Disposal Ordinance to formally codify this long-standing policy. The proposed amendment clarifies that:

- The property owner is responsible for the maintenance, repair, and replacement of the sewer lateral from the building to the point of connection with the City's sewer main.
- The City remains responsible for the operation and maintenance of the public sewer mains.

Codifying this policy provides clarity to both residents and staff, ensures consistent

application of responsibility, and aligns the City's ordinance with common municipal standards across Michigan.

City staff recommends that the Buchanan City Commission approve the proposed amendment to the City's Sewage Disposal Ordinance to formally establish property owner responsibility for sewer laterals moving forward.

Attachment A: Current City Sewer Lateral Policy and Claim Form

Attachment B: Existing Ordinance with Proposed Changes in Blue

Attachment A



City of Buchanan

Sewer Backup Notice of Claim

In order to make a claim for damage or physical injury arising from sewage disposal or storm water system event

All claimants must provide the following information:

Name: _____ Date: _____

Address: _____ Telephone: _____

Address of property affected: _____

Please briefly describe the claim/event:

Date of discovery of property damages or physical injuries: _____

Please return to:
City of Buchanan
Attn: City Manager
302 N. Redbud Trail
Buchanan, MI 49107

An individual that has been injured or has suffered property damage as a result of a sewage disposal event must provide written notice of the event within 45 days after the date the damage or injury was, or in exercise of reasonable diligence should have been discovered. Failure to provide proper notice will bar your claim.

Office Use Only	
Date received: _____	
Forwarded to: _____	Date: _____
Forwarded to: _____	Date: _____

City of Buchanan Sewer Backup Policy

Purpose: State of Michigan Public Act 222 of 2001, as amended, requires that the City establish a policy for the processing of claims made by property owners for injury or property damage from the backup or overflow of sewers into or onto their properties. This Policy is in compliance with the requirements as set forth in PA 222 of 2001, which is incorporated herein and attached hereto.

Responsibility: The City may be responsible for a sewer backup if there is a blockage in the main line. The City does not own lateral lines or service leads. These are owned and are to be maintained by the property owner. (MCL 691.1416) Therefore, if there is a clog in any line that is not a main, it is the responsibility of the property owner. By State Law the City is immune from tort liability for overflow or backup of sewage disposal system unless the overflow or backup is a sewage disposal system event.

Valid Claims: Payment of a claim is not automatic. To have a valid claim, for which payment could be made, four conditions must be met:

1. There must be a defect in the design, construction, maintenance, operation or repair of the City's sewage collection or disposal system; and
2. The defect must have been the "substantial proximate cause" (50% or more) of the injury or damages; and
3. The City must have known, or should have reasonably known, about the defect; and
4. The City failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect.

Invalid Claims: The following are examples of a sewer system event that will likely result in the denial of any claims:

- Obstruction in a sewer lateral or lead that connects the property to the City's sewer main that was not caused by the City. **Maintenance of private sewer laterals is the responsibility of the property owner.**
- A connection to the City's sewer system on the affected property, including, but not limited to, a sump pump, building or foundation drain, surface drain, gutter or downspout.

Notifications: Property owners that experience a sewer backup or overflow and believe that the "substantial proximate cause" and liability rests with the City must meet the above four conditions for valid claims. They must also meet the following notification requirements to be eligible to receive any reimbursement for damages and other resulting expenses:

1. The claimant must immediately notify the City of a backup event and request a "Notice of Claim" packet.
 - a. If during normal business hours, Monday through Friday, contact the City office at (269) 695-3844.

- b. If after regular business hours, or on holidays or weekends, call the Buchanan Police Department Dispatch Center at (269) 695-5120, who will contact the appropriate persons for the claimant.
2. The City shall then provide the claimant, in writing, the necessary formal notification requirements.
3. The claimant must provide the City with a written notice of the claim within forty-five (45) days after the overflow or backup was discovered or when in the exercise of reasonable diligence the backup or overflow should have been discovered.
4. Written notice by claimants must contain the information required by section 19(2)(c) of Act 222 of 2001 or recovery of damages may be barred.
5. A claim form stating the required information and a copy of Act 222 of 2001 may be obtained at the City offices.
6. Claims should be mailed or delivered to:

Buchanan City Hall
Attn: City Manager
302 N. Redbud Trail
Buchanan, MI 49107

Questions: Contact the City offices at (269) 695-3844, or Mike Baker, Director of Public Service , at (269) 695-7547.

Act No. 222
Public Acts of 2001
Approved by the Governor
January 2, 2002
Filed with the Secretary of State
January 2, 2002
EFFECTIVE DATE: January 2, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Senators Johnson, Hammerstrom, Dunaskiss, Gougeon, Shugars, North and Bullard

ENROLLED SENATE BILL No. 109

AN ACT to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding sections 16, 17, 18, and 19.

The People of the State of Michigan enact:

Sec. 16. As used in this section and sections 17 to 19:

- (a) "Affected property" means real property affected by a sewage disposal system event.
- (b) "Appropriate governmental agency" means a governmental agency that, at the time of a sewage disposal system event, owned or operated, or directly or indirectly discharged into, the portion of the sewage disposal system that allegedly caused damage or physical injury.
- (c) "Claimant" means a property owner that believes that a sewage disposal system event caused damage to the owner's property, a physically injured individual who believes that a sewage disposal system event caused the physical injury, or a person making a claim on behalf of a property owner or physically injured individual. Claimant includes a person that is subrogated to a claim of a property owner or physically injured individual described in this subdivision.
- (d) "Contacting agency" means any of the following within a governmental agency:
 - (i) The clerk of the governmental agency.
 - (ii) If the governmental agency has no clerk, an individual who may lawfully be served with civil process directed against the governmental agency.
 - (iii) Any other individual, agency, authority, department, district, or office authorized by the governmental agency to receive notice under section 19, including, but not limited to, an agency, authority, department, district, or office

responsible for the operation of the sewage disposal system, such as a sewer department, water department, or department of public works.

(e) "Defect" means a construction, design, maintenance, operation, or repair defect.

(f) "Noneconomic damages" includes, but is not limited to, pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, humiliation, and other nonpecuniary damages.

(g) "Person" means an individual, partnership, association, corporation, other legal entity, or a political subdivision.

(h) "Serious impairment of body function" means that term as defined in section 3135 of the insurance code of 1956, 1956 PA 218, MCL 500.3135.

(i) "Service lead" means an instrumentality that connects an affected property, including a structure, fixture, or improvement on the property, to the sewage disposal system and that is neither owned nor maintained by a governmental agency.

(j) "Sewage disposal system" means all interceptor sewers, storm sewers, sanitary sewers, combined sanitary and storm sewers, sewage treatment plants, and all other plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage and industrial wastes, and includes a storm water drain system under the jurisdiction and control of a governmental agency.

(k) "Sewage disposal system event" or "event" means the overflow or backup of a sewage disposal system onto real property. An overflow or backup is not a sewage disposal system event if any of the following was a substantial proximate cause of the overflow or backup:

(i) An obstruction in a service lead that was not caused by a governmental agency.

(ii) A connection to the sewage disposal system on the affected property, including, but not limited to, a sump system, building drain, surface drain, gutter, or downspout.

(iii) An act of war, whether the war is declared or undeclared, or an act of terrorism.

(l) "Substantial proximate cause" means a proximate cause that was 50% or more of the cause of the event and the property damage or physical injury.

Sec. 17. (1) To afford property owners, individuals, and governmental agencies greater efficiency, certainty, and consistency in the provision of relief for damages or physical injuries caused by a sewage disposal system event, a claimant and a governmental agency subject to a claim shall comply with this section and the procedures in sections 18 and 19.

(2) A governmental agency is immune from tort liability for the overflow or backup of a sewage disposal system unless the overflow or backup is a sewage disposal system event and the governmental agency is an appropriate governmental agency. Sections 16 to 19 abrogate common law exceptions, if any, to immunity for the overflow or backup of a sewage disposal system and provide the sole remedy for obtaining any form of relief for damages or physical injuries caused by a sewage disposal system event regardless of the legal theory.

(3) If a claimant, including a claimant seeking noneconomic damages, believes that an event caused property damage or physical injury, the claimant may seek compensation for the property damage or physical injury from a governmental agency if the claimant shows that all of the following existed at the time of the event:

(a) The governmental agency was an appropriate governmental agency.

(b) The sewage disposal system had a defect.

(c) The governmental agency knew, or in the exercise of reasonable diligence should have known, about the defect.

(d) The governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.

(e) The defect was a substantial proximate cause of the event and the property damage or physical injury.

(4) In addition to the requirements of subsection (3), to obtain compensation for property damage or physical injury from a governmental agency, a claimant must show both of the following:

(a) If any of the damaged property is personal property, reasonable proof of ownership and the value of the damaged personal property. Reasonable proof may include testimony or records documenting the ownership, purchase price, or value of the property, or photographic or similar evidence showing the value of the property.

(b) The claimant complied with section 19.

Sec. 18. (1) Except as provided in subsection (2), economic damages are the only compensation for a claim under section 17. Except as provided in subsection (2), a court shall not award and a governmental agency shall not pay noneconomic damages as compensation for an event.

(2) A governmental agency remains subject to tort liability for noneconomic damages caused by an event only if the claimant or the individual on whose behalf the claimant is making the claim has suffered death, serious impairment of body function, or permanent serious disfigurement.

(3) In an action for noneconomic damages under section 17, the issues of whether a claimant or the individual on whose behalf the claimant is making the claim has suffered serious impairment of body function or permanent serious disfigurement are questions of law for the court if the court finds either of the following:

(a) There is no factual dispute concerning the nature and extent of the claimant's or the individual's injuries.

(b) There is a factual dispute concerning the nature and extent of the claimant's or the individual's injuries, but the dispute is not material to determining whether the claimant or the individual has suffered a serious impairment of body function or permanent serious disfigurement.

(4) Unless this act provides otherwise, a party to a civil action brought under section 17 has all applicable common law and statutory defenses ordinarily available in civil actions, and is entitled to all rights and procedures available under the Michigan court rules.

Sec. 19. (1) Except as provided in subsections (3) and (7), a claimant is not entitled to compensation under section 17 unless the claimant notifies the governmental agency of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered, or in the exercise of reasonable diligence should have been discovered. The written notice under this subsection shall contain the content required by subsection (2)(c) and shall be sent to the individual within the governmental agency designated in subsection (2)(b). To facilitate compliance with this section, a governmental agency owning or operating a sewage disposal system shall make available public information about the provision of notice under this section.

(2) If a person who owns or occupies affected property notifies a contacting agency orally or in writing of an event before providing a notice of a claim that complies with subsection (1), the contacting agency shall provide the person with all of the following information in writing:

(a) A sufficiently detailed explanation of the notice requirements of subsection (1) to allow a claimant to comply with the requirements.

(b) The name and address of the individual within the governmental agency to whom a claimant must send written notice under subsection (1).

(c) The required content of the written notice under subsection (1), which is limited to the claimant's name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim.

(3) A claimant's failure to comply with the notice requirements of subsection (1) does not bar the claimant from bringing a civil action under section 17 against a governmental agency notified under subsection (2) if the claimant can show both of the following:

(a) The claimant notified the contacting agency under subsection (2) during the period for giving notice under subsection (1).

(b) The claimant's failure to comply with the notice requirements of subsection (1) resulted from the contacting agency's failure to comply with subsection (2).

(4) If a governmental agency that is notified of a claim under subsection (1) believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the governmental agency shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the governmental agency receives the claimant's notice under subsection (1). This subsection is intended to allow a different or additional governmental agency to inspect a claimant's property or investigate a claimant's physical injury before litigation. Failure by a governmental agency to provide notice under this subsection to a different or additional governmental agency does not bar a civil action by the governmental agency against the different or additional governmental agency.

(5) If a governmental agency receives a notice from a claimant or a different or additional governmental agency that complies with this section, the governmental agency receiving notice may inspect the damaged property or investigate the physical injury. A claimant or the owner or occupant of affected property shall not unreasonably refuse to allow a governmental agency subject to a claim to inspect damaged property or investigate a physical injury. This subsection does not prohibit a governmental agency from subsequently inspecting damaged property or investigating a physical injury during a civil action brought under section 17.

(6) If a governmental agency notified of a claim under subsection (1) and a claimant do not reach an agreement on the amount of compensation for the property damage or physical injury within 45 days after the receipt of notice under this section, the claimant may institute a civil action. A civil action shall not be commenced under section 17 until after that 45 days.

(7) This section does not apply to claims for noneconomic damages made under section 17.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.

GOVERNMENTAL LIABILITY FOR NEGLIGENCE (EXCERPT)
Act 170 of 1964

691.1416 Definitions.

Sec. 16. As used in this section and sections 17 to 19:

- (a) "Affected property" means real property affected by a sewage disposal system event.
- (b) "Appropriate governmental agency" means a governmental agency that, at the time of a sewage disposal system event, owned or operated, or directly or indirectly discharged into, the portion of the sewage disposal system that allegedly caused damage or physical injury.
- (c) "Claimant" means a property owner that believes that a sewage disposal system event caused damage to the owner's property, a physically injured individual who believes that a sewage disposal system event caused the physical injury, or a person making a claim on behalf of a property owner or physically injured individual. Claimant includes a person that is subrogated to a claim of a property owner or physically injured individual described in this subdivision.
- (d) "Contacting agency" means any of the following within a governmental agency:
 - (i) The clerk of the governmental agency.
 - (ii) If the governmental agency has no clerk, an individual who may lawfully be served with civil process directed against the governmental agency.
 - (iii) Any other individual, agency, authority, department, district, or office authorized by the governmental agency to receive notice under section 19, including, but not limited to, an agency, authority, department, district, or office responsible for the operation of the sewage disposal system, such as a sewer department, water department, or department of public works.
- (e) "Defect" means a construction, design, maintenance, operation, or repair defect.
- (f) "Noneconomic damages" includes, but is not limited to, pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, humiliation, and other nonpecuniary damages.
- (g) "Person" means an individual, partnership, association, corporation, other legal entity, or a political subdivision.
- (h) "Serious impairment of body function" means that term as defined in section 3135 of the insurance code of 1956, 1956 PA 218, MCL 500.3135.
- (i) "Service lead" means an instrumentality that connects an affected property, including a structure, fixture, or improvement on the property, to the sewage disposal system and that is neither owned nor maintained by a governmental agency.
- (j) "Sewage disposal system" means all interceptor sewers, storm sewers, sanitary sewers, combined sanitary and storm sewers, sewage treatment plants, and all other plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage and industrial wastes, and includes a storm water drain system under the jurisdiction and control of a governmental agency.
- (k) "Sewage disposal system event" or "event" means the overflow or backup of a sewage disposal system onto real property. An overflow or backup is not a sewage disposal system event if any of the following was a substantial proximate cause of the overflow or backup:
 - (i) An obstruction in a service lead that was not caused by a governmental agency.
 - (ii) A connection to the sewage disposal system on the affected property, including, but not limited to, a sump system, building drain, surface drain, gutter, or downspout.
 - (iii) An act of war, whether the war is declared or undeclared, or an act of terrorism.
- (l) "Substantial proximate cause" means a proximate cause that was 50% or more of the cause of the event and the property damage or physical injury.

History: Add. 2001, Act 222, Imd. Eff. Jan. 2, 2002.

Popular name: Governmental Immunity Act

Attachment B



**CITY OF BUCHANAN
COUNTY OF BERRIEN, STATE OF MICHIGAN
ORDINANCE 2026.02/446**

**THE CITY OF BUCHANAN ORDAINS THAT CHAPTER 102 UTILITIES, ARTICLE V. SEWAGE
DISPOSAL of the City of Buchanan Code of Ordinance is hereby amended by adding
Section 102-177**

ARTICLE V. - SEWAGE DISPOSAL

Sec. 102-156. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD means biochemical oxygen demand or the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

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

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Commercial wastes means the liquid or water-carried wastes from commercial establishments or those concerns engaged in buying, selling, or exchanging goods and/or services.

Director means the superintendent of wastewater treatment plant of the city under the direction of the city manager, or his authorized deputy, agent or representative.

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

Industrial wastes means the liquid or water-carried wastes from industrial processes as distinct from sanitary sewage.

mg/l means milligrams per liter.

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

pH means the logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

Properly shredded garbage means garbage that has been shredded to such a degree that all

particles shall be carried freely under the flow conditions normally prevailing in the public sanitary or combined sewer; with no particles larger than one-half inch in any dimension.

Public sewer means a sewer that is controlled by the city.

Sanitary sewage means the liquid or water-carried waste discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, and commercial establishments where the public is served.

Sanitary sewer means a sewer to which stormwaters are not intentionally admitted.

Sewage means any liquid or water-carried waste from residences, business buildings, institutions, laboratories, industrial and commercial establishments, together with stormwaters as may be present.

Sewage disposal system or system means the complete sewage disposal system of the city, and shall be construed to include all plants, works, collecting mains, instrumentalities and properties, now or hereinafter existing, used or useful in connection with the collecting, pumping, disposal and treatment of sanitary sewage and industrial wastes, as now or hereafter added to, expanded or improved.

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

Sewer means a pipe or conduit for carrying sewage.

Storm drain or storm sewer means any drain or sewer, either natural or artificial, which is intended expressly for the conveyance of stormwater and uncontaminated industrial wastes.

Stormwater means that part of precipitation which reaches the sewers as runoff from the natural land surface, building roofs, or pavements or as groundwater infiltration.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with standard laboratory procedure.

Wastewater means the same as or is equivalent to "sanitary sewage."

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

(Comp. Ords. Rev. 1991, § 25.002)

Cross reference- Definitions

generally, § 1-2. Sec. 102-157. -

Organization.

(a) The sewerage system of the city, including all property and employees in connection

therewith, shall be known as the Buchanan sewerage department, and shall be under the direction of the city manager.

- (b) Authority for construction, repair and maintenance of the sewage disposal system may be delegated by the city manager to the superintendent of environmental services.

The city treasurer shall collect all money due to the sewage department and shall maintain an accurate separate account of the same.

(Comp. Ords. Rev.

1991, § 25.001) Sec. 102-

158. - Management of

system.

- (a) The sewers of the department are under the exclusive control of the commission and no person other than agents or employees of the department shall disturb, tap, change, obstruct or interfere with them in any way.
- (b) Extensions of, or changes in the sewers shall be made only by the direction of the commission. Petition for the extension of old or construction of new sewers shall be addressed to the commission who will thereupon consider same and advise the petitioners of their decision. If the petition be granted, the commission shall stipulate the proportions of the cost to be borne by the petitioners and by the department.
- (c) Any person installing sewers at their own expense shall first submit plans and specifications for such work to the manager for state approval. After such plans and specifications have been approved the work shall be done under the supervision of the manager, who shall require such test made as he considers necessary, and shall accept the installation for the city before any sewer service pipe shall be placed in service. All inspection cost for such installation shall be paid by the party installing this sewer. The provisions of this subsection shall also apply to any installations of sewers outside the corporate limits of the city where permission may be granted by the commission to connect to the city sewers.

(Comp. Ords. Rev. 1991, § 25.003)

Sec. 102-159. - Scope of regulations.

The standards and regulations established in this article are deemed to be the absolute minimum consistent with the preservation of the public health and safety and to fulfill the obligations of the city with respect to state and federal law and all rules and regulations adopted pursuant thereto. The discharge into any sewer in the city of any substance which

exceeds the limitations contained in this article, or in any manner fails to conform, is hereby declared to be a public nuisance, and a violation of this Code.

(Comp. Ords. Rev. 1991, § 25.004)

Sec. 102-160. - Powers and authority of inspectors.

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

applies for and/or receives sewer services from the city under this article shall be deemed to have consented to inspections pursuant to this section, including entrance upon that person's property at reasonable times to make inspections under this article.

(Comp. Ords. Rev. 1991,

§ 25.016) Sec. 102-161. -

Reserved.

Sec. 102-162. - Notice of violation.

Any person found to be violating any provision of this article 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 or at the expiration of the period of time stated in such notice permanently cease all violations. Any person who shall continue any violation beyond the time limit provided shall be guilty of a violation of this Code.

(Comp. Ords. Rev. 1991, § 25.022)

Sec. 102-163. - Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined as prescribed in section 1-15 of this Code.

(Comp. Ords. Rev. 1991, § 25.023)

Sec. 102-164. - Protection of system from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

(Comp. Ords. Rev. 1991, § 25.015)

Sec. 102-165. -Application for service connection.

- (a) Before any connection shall be made to any sewer, application for same shall be made in writing to the department by the owner of the premises to be served, or by his or her authorized agent. A condition to the granting of a service connection shall be an agreement by the owner to abide by all of the rules and regulations of the department in all respects but more especially with those respecting the responsibility for payment for sewage disposal service.
- (b) That part of the sewer service pipe on private property shall be inspected by the department prior to covering the pipe. The fee for such inspection shall be set by resolution of the city commission.
- (c) Whenever the ownership of a premises changes, the use by the new owner or his or her agent or tenant of any of the facilities of the department shall be prima facie evidence that the new owner agrees to abide by the rules and regulations of the department and requirements of this article, but more especially with those respecting the responsibility for the payment for sewage disposal service.

(Comp. Ords. Rev. 1991,

§ 25.018) Sec. 102-166. -

Payment for service.

- (a) Bills for sewage disposal service shall be levied on each lot or parcel of land, building or premises having access to any sewer, or discharging sewage or waste into the sewage system, either directly or indirectly. These sewage disposal bills may be rendered with the water bills and made payable at the same time and under the same conditions as for the water bills.
- (b) Billing for water consumption as provided for in another ordinance, and for sewage disposal as provided by this article shall not be severable but shall be paid as one bill.
- (c) The rates charged for sewage disposal service shall be established by resolution of the city commission. The sewer rates shall be independent of the water rates.

(Comp. Ords. Rev. 1991, § 25.019)

Sec. 102-167. - Use of sewage disposal system.

No person shall discharge or cause to be discharged any material or waste into the sewage

disposal system except in compliance with section 102-211.

(Comp. Ords. Rev. 1991, § 25.005)

Sec. 102-168. - Interceptors.

(a) Grease, oil and sand interceptors shall be provided for the handling of liquid wastes containing grease or oil in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the director, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

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

(Comp. Ords. Rev. 1991, §§ 25.006, 25.007)

Secs. 102-169-102-173. - Reserved.

Sec. 102-174. - Storm sewer system.

No person shall discharge or cause to be discharged into any storm sewer or natural or artificial watercourse, waters or wastes other than stormwater or uncontaminated industrial wastes as heretofore defined, except upon special agreement or arrangement with the city, which may seek review by the appropriate state or local agency.

(Comp. Ords. Rev. 1991, § 25.014)

Sec. 102-175. - Sewer and drain connections required.

The owner or occupant of any property situated within the city upon which is located a structure or structures in which water is used or available for household, commercial, industrial or other purposes shall, at his own expense, cause such property to be connected to an available public sanitary sewage collection facility. Such owner or occupant shall also be required to install suitable toilet facilities within such structures.

(Comp. Ords. Rev. 1991, § 25.017)

Sec. 102-176. - Disposal of waste from private systems at sewage treatment plant.

Any water or waste discharged into the sewage disposal system shall comply with the

requirements of section 102-211.

(Comp. Ords. Rev. 1991, § 25.020)

~~Sec. 102-177. -Reserved.~~ Sewer Laterals and Appurtenances

- (a) The property owner shall maintain, at its, his or her expense, the sewer lateral to ensure continuous flow of sewage from the structure to the sewer main, local collector, trunk or interceptor sewer, and shall be responsible for all maintenance and/or replacement of lateral sections existing between the structure and the public sewer line. The property owner is responsible for its lateral from its structure to the sewer main, local collector, trunk or interceptor sewer even if the lateral is located underneath a city street or right-of-way. In the event that a sanitary service pipe is in need of repair or is otherwise nonconforming with the law or any rules and regulations adopted by the city or under this article, and the property owner fails to correct the nonconformity after being provided notice, and in the sole judgment of the city, it is in the interest of public health, safety or welfare to initiate and manage the correction, the city may cause the same to be connected, repaired or replaced and collect the cost thereof, plus a five percent administrative fee, up to a maximum of \$_____.00, from the property owner by an action at law, or may charge the same as a special assessment against the lands and premises served by the water service pipe and collected in the same manner as an ad valorem property tax, charged upon and collected with the next practical property tax roll immediately following the correction. Performance of such work by the city shall not relieve any person from the penalties otherwise prescribed by law or as set forth in this article.
- (b) Whenever a sewer lateral is to be extended into the premises, the plumber or contractor may obtain location measurements from the city. However, the city does not assume responsibility for the accuracy of such location measurements. Existing sewer service laterals may be used in connection with new buildings only if they are found, on examination and test by the director to meet all requirements of this chapter and other applicable laws and regulations. If an inspection by the city reveals that a connection may create a health or environmental hazard, nuisance, or is otherwise inconsistent with the purposes and requirements of this chapter, the sewer service lateral shall be reconstructed or repaired at the owner's expense.
- (c) There shall not be more than one structure served by a single sewer lateral connection, except with approval of the city manager.
- (d) When a structure is to be demolished, satisfactory arrangements shall be made by the property owner with the city to disconnect and seal the sewer lateral at the property line or at the point designated by the city at the property owner's sole expense. The lateral disconnection shall be inspected by the city prior to sealing. Failure to make arrangements for inspection and the proper termination of the connection shall cause the City Manager to order excavation of the lateral for the required inspection with all associated costs to be assessed

against the property owner.

- (e) Roof drains shall not be connected to the system. The City Manager shall order the immediate disconnection of all such connections. The owner of the premises shall be responsible for any and all costs associated with these disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this section.
- (f) Footing drains shall not be connected to the system on any structure. The City Manager shall order the immediate disconnection of such connections. The owner of the premises shall be responsible for any and all costs associated with these disconnections and all costs including, but not limited to, legal and inspection service required to enforce provisions of this chapter. Each day the owner fails to comply with such order shall constitute a separate violation of this section.
- (g) Basement waterproofing systems shall not be connected into the sewer system or discharged in such a manner as to cause a public or private nuisance. Prior to installation of a basement waterproofing system, the property owner, or the owner's contractor, must obtain a permit from the city. The waterproofing system must be inspected and approved by the city prior to putting the system into operation. The city manager may order the owner to discontinue the discharge of water from a basement waterproofing system. Each day the owner fails to comply with such order shall constitute a separate violation of this section.

Sec. 102-178. - User charges.

- (a) *Established.* Pursuant to Section 601-34, Industrial Waste Treatment, Title 18, Chapter V, Federal Register, Volume 35, No. 128, Thursday, July 2, 1970, user charges for operation and maintenance of publicly owned treatment works are herein established. The operation and maintenance costs shall include debt retirement.
- (b) *Implementation.* Implementation of user charge system assures that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance of treatment works provided by the city.
- (c) *Definition of industrial user.* The industrial user shall mean any industry identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category Division D-Manufacturing, and such other wastes as deemed appropriate by the city commission. A user listed in the said division may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- (d) *Factors influencing share.* An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as

strength, volume and delivery flow rate characteristics shall be considered and included to ensure a proportional distribution of the operation and maintenance costs allocable to all industrial users of the treatment works.

- (e) *Adjustment of share.* When a substantial change in the strength, volume or delivery flow rate characteristics occurs in the wastewater introduced to the treatment works by an industrial, institutional or commercial user, such user's share shall be adjusted accordingly to generate revenue adequate to treat the wastewater contributed by such user.
- (f) *Formula for charges.* Users of the sewage disposal system shall be charged a wastewater collection and treatment rate based on the quantity formula, subject to surcharges for higher strength wastewater in accordance with the amended rate ordinance.
- (g) *Estimates.* Any residential, industrial, commercial or institutional user subject to a user charge shall furnish, as and when requested by the city commission, an estimate of the volume discharged into the wastewater treatment systems; and an estimate of the representative value of the strength of the waste, BOD and suspended solids discharged, whether or not such amounts are in excess of the permitted amount. All measurements, tests and analyses of the characteristics of such wastewater shall be determined in accordance with this chapter or by other methods generally accepted under the established sanitary engineering practices and approved by the superintendent. The reports submitted shall be subject to certification by the superintendent, but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. If an analysis and volume of the waste is not furnished to the city commission in the specified time, the charges shall be based upon estimates made by the superintendent, and approved by the city commission. The superintendent shall have the right at any reasonable time to enter upon the land of the user to set up such equipment as is necessary to verify the reports submitted. In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get or where other methods of measurements are necessitated for other sound engineering reasons as determined by the superintendent, the superintendent shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD and SS strength of the particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the subject data and collection data from like persons. All billings for said charges shall be payable within ten days after mailing of billings. All payments made, based upon the reports submitted, shall become final unless verification is made and notice given by the superintendent of necessary

adjustments within one year of the payment. Underpayment of charges based on errors in users' reports and estimates shall be billed forthwith on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings and then the excess forthwith refunded.

- (h) *Billing estimates.* The superintendent shall have the authority to estimate the volume and strength of the industrial waste in the event the user subject to the rate and charges fails to file a timely report as provided in this section. The estimates shall be based upon analyses and volumes of a similar installation or the amount of water supplied to the premises by the water utility, the amount of water supplied to the premises by any private sources of water or volume and analysis as determined by measurements and samples taken by the superintendent or an estimate determined by the superintendent by any combination of the foregoing or by any other equitable method. Failure to file written objection to such estimates within ten days after the mailing of written notice thereof of the user liable therefor shall constitute a waiver of any right to object or appeal the estimates made by the superintendent pursuant to this section.
- (i) *Appeals to the city commission.* Any user may appeal the charges assessed against him to the city commission and shall have a hearing upon the following conditions:
 - (1) That the user submits estimates or authorizes the superintendent to make such estimates.
 - (2) That the user has good cause to believe that the charges assessed are in error.
 - (3) That notice in writing has been given to the city commission within 180 days of receipt of the charges in question.

The city commission shall notify the user making the appeal of the time and place when his appeal will be heard. Upon evidence sufficient to the city commission submitted at the hearing that the charges are in error, the city commission shall make adjustments in the charges. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges provided for in this article.

- (j) *Rate review.* The city commission shall cause an annual report to be made concerning the effect of the user charge system on the various classes of users. Such report shall include the amount, character and strength of the wastes discharged into the sewerage system and accounting of the revenues produced by the various classes of users. The city commission may appoint a committee to aid and assist in the preparation of the report and the committee membership may include representatives of various classes of users and other persons professionally qualified to work on the committee as determined by the city commission. If the revenues are shown in the report to be inequitable, the city commission will review

the user charges and cause the necessary adjustments to be made in the rate structure.

(Comp. Ords. Rev. 1991, § 25.029)

Secs. 102-179-102-200. - Reserved.

This Ordinance shall become effective fifteen (15) days after its adoption and publication as required by Section 7.4 of the City Charter.

MOTION MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE ____TH DAY OF _____ 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON THE ____ND DAY OF _____

By

Mark Weedon, Mayor

Kalla Langston-Weiss, City Clerk

CERTIFICATION, I hereby certify that the above is a true and complete copy of an ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on ____day of _____, 2026, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Kalla Langston-Weiss, City Clerk