

SEWER ORDINANCE
TOWNSHIP BOARD
CHARTER TOWNSHIP OF HARING
WEXFORD COUNTY, MICHIGAN

Board member Corwin, seconded by Board member Walker, moved the adoption of the following Ordinance:

ORDINANCE NO. 86-02

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION, CONNECTION, INSPECTION, AND OPERATION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING FOR THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM; AND PROVIDING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS.

THE CHARTER TOWNSHIP OF HARING ORDAINS:

ARTICLE I

DEFINITION OF TERMS

1.1. For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this article unless their context specifically indicates otherwise:

- (a) Accidental Discharge means the loss of any toxic, hazardous or other potential pollutant into the sanitary sewer system by a user as a result of an accident or failure of a facility within the plant or pretreatment facility.
- (b) 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.

- (c) Authorized Representative of Industrial User means an authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) 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.
- (d) 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 20° centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (e) 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 of walls of the building and conveys to the building sewer, beginning 5 feet outside the inner face of the building wall.
- (f) Building Sewer means the extension from the building drain to the public sanitary sewer or other place of disposal.
- (g) City means the City of Cadillac, Wexford County, Michigan.
- (h) Combined Sewer means a sewer receiving both surface run off and sanitary sewage.
- (i) 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.
- (j) Compatible Pollutant means any pollutant which can be treated and removed to a substantial degree in the wastewater treatment plant. Such pollutants are usually designated by biochemical oxygen demand, suspended solids, pH, fecal coliforms, phosphorous and its compounds, and nitrogen and its compounds.
- (k) County means Wexford County, Michigan.
- (l) Director means the Director of the Wexford County Department of Public Works or his duly authorized representative. If there is no Director, then the Chairperson of the Board of Public Works shall act in his stead.

- (m) Domestic Wastes means liquid wastes normally emanating from residential living units and resulting from the day to day activities usually considered to be carried on in a domicile. Wastes emanating from other users and which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.
- (n) DPW or Department means the Wexford County Department of Public Works.
- (o) Environmental Protection Agency, or EPA means the U.S. Environmental Protection Agency or where appropriate, the administrator or other duly authorized official of the EPA.
- (p) Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (q) Ground Water means the water beneath the surface of the ground, whether or not flowing through known or definite channels.
- (r) Incompatible Pollutant means any pollutant which is not a compatible pollutant.
- (s) Indirect Discharge means the discharge or the introduction of nondomestic wastes or pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).
- (t) Industrial User means a source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act. (33 U.S.C. 1342).
- (u) Industrial Waste means the liquid waste from industrial processes as distinct from domestic wastes.
- (v) 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. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or the more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

- (w) MDNR means the Michigan Department of Natural Resources.
- (x) Major Contributing Industry means an industrial user of the publicly owned treatment works that imposes an unreasonable burden upon the sewage system by (1) having a flow of 50,000 gallons or more per average work day, (2) having a flow greater than 5 percent of the total flow carried by the system receiving the waste, (3) having in its discharge a toxic pollutant in amounts exceeding the desired limits.
- (y) National Categorical Pretreatment Standard or Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.
- (z) National Pollution Discharge Elimination System or NPDES Permit means the permit issued pursuant to section 402 of the Act (33 U.S.C. 1342) to the City of Cadillac.
- (aa) Natural Outlet means any outlet into a watercourse pond, ditch, lake or other body of surface or ground water.
- (bb) New Source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.
- (cc) Oil means oil of any kind, in any form, including but not limited to petroleum, fuel oil, sludge and oil refuse, gasoline, grease and oil mixed with waste.
- (dd) Operation and Maintenance means the satisfactory provision for assuring proper and efficient functioning of the treatment works in accordance with the NPDES permit and USEPA grant conditions.
- (ee) Operational Upset means an exceptional incident in which the discharger unintentionally and temporarily is in a state of noncompliance with the terms of the discharge permit or with various federal or state parameters as a result of factors beyond reasonable control of the discharger.
- (ff) Other Wastes means garbage, refuse, decayed wood, bark and other wood debris, wastes from industrial processes

and other substances which are not included within the definitions of domestic and industrial wastewaters.

- (gg) Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, and 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.
- (hh) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (ii) pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (jj) Pollution means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (kk) Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (ll) POTW Treatment Plant means the portion of the POTW designed to provide treatment to wastewater.
- (mm) Pretreatment or Treatment means the reduction of the amount of pollutants, the elimination 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 CFR Section 403.6(d).
- (nn) Pretreatment Requirements means any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on an industrial user.
- (oo) Private Sewage Disposal System means a system for disposal of domestic sewage by means of a septic tank or

mechanical treatment, designed for use apart from a public sewer.

- (pp) Properly Shredded Garbage means wastes from the preparation, cooking and dispensing of foods 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 ($\frac{1}{2}$) inch in any dimension.
- (qq) 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 of Cadillac. This definition includes all sewers in the Township that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- (rr) Public Sewer or Sewer means the sanitary sewer owned by the County, the Township or other public bodies in which all owners of abutting properties have equal rights, and which is controlled by public authority, including all local collector, trunk and interceptor sewer lines, all pumps, lift stations and other appurtenances or accessories.
- (ss) Replacement means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.
- (tt) Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (uu) Sanitary Sewer means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (vv) Sewer Service Charge means the rate charged by the Township for providing wastewater collection and treatment service.
- (ww) Shall is mandatory; May is permissive.
- (xx) Significant Industrial User means any Industrial User of the Township's wastewater disposal system who (i) has a discharge flow of 25,000 gallons or more per average working day, or (ii) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (iii)

has in his wastes toxic pollutants as defined pursuant to section 307 of the Act, state statutes, or applicable rules, regulations, standards or orders, or (iv) is found by the City, the 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.

- (yy) State means State of Michigan.
- (zz) Storm Sewer or Storm Drain means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (aaa) Storm Water means any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (bbb) Surface Waters means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.
- (ccc) 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.
- (ddd) System means the public sewer within the Township, including all sewers, pumps, lift stations, flowage rights on interceptions of other systems, treatment facilities or interests therein, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto, and including all extensions and improvements thereto which may hereafter be acquired.
- (eee) Tenant means a person who leases property from an owner.
- (fff) Test Methods (Standard Methods) shall be as specified in the latest edition of Methods for Chemical Analysis of Water and Waste, U.S.D.A.; Standard Methods for the Examination of Water and Wastewater, APHA; Annual Book of Standards, Part 23, Water, Atmospheric Analysis, ASTM; and Guidelines Establishing Test Procedures for Analysis of Pollutants (October 13, 1973, Federal Register).
- (ggg) Toxic Pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by

the administrator of the Environmental Protection Agency under the provision of GWA 307(a) or other Acts.

- (hhh) Township means the Charter Township of Haring, Wexford County, Michigan.
- (iii) Township Board means the Township Board of the Charter Township of Haring.
- (jjj) User means any person who contributes, causes or permits the contribution of wastewater into the public sewer.
- (kkk) User Charge means a charge levied on users of the public sewer for the cost of operation and maintenance.
- (lll) Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (mmm) Wastewater Contribution Permit means as set forth in Article XIII of this ordinance.
- (nnn) Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

1.2. Abbreviations. The following abbreviations shall have the designated meaning:

- (a) BOD - Biochemical Oxygen Demand.
- (b) CFR - Code of Federal Regulations.
- (c) COD - Chemical Oxygen Demand.
- (d) DPW - Wexford County Department of Public Works.
- (e) EPA - Environmental Protection Agency.
- (f) l - Liter.
- (g) mg - Milligrams.
- (h) mg/l - Milligrams per liter.
- (i) NPDES - National Pollutant Discharge Elimination System.
- (j) POTW - Publicly Owned Treatment Works.
- (k) SIC - Standard Industrial Classification.
- (l) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (m) USC - United States Code.
- (n) TSS - Total Suspended Solids.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

2.1. Waste Deposits. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township any human or animal excrement, garbage or other objectional waste.

2.2. Water Pollution. It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural water course, or artificial water course, any sewage or other polluted waters other than storm water or uncontaminated industrial waters as defined in this ordinance, or to increase an approved use except upon special agreement or arrangement with the Township and the DPW and in accordance with the rules and procedures of appropriate agencies of the State of Michigan.

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

2.4. Sewer Connection Required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Township 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 sewer are hereby required at their expense to install suitable plumbing facilities and connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this ordinance within 90 days after the mailing of a notice to such owner by the DPW indicating such services are available (i.e. a public sanitary sewer line lies within 250 feet of the structure) and requiring such connection. The Township or DPW may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

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ARTICLE III

PRIVATE SEWAGE DISPOSAL

3.1. Private Sewage Systems. When a public sanitary sewer is not available under the provisions of section 2.4, the building sewer shall be connected to a private sewage disposal system constructed in compliance with all applicable laws, rules and regulations, including those of the Township.

3.2. Location of System. Where private sewage disposal systems are constructed, they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, subsurface ground water, or tile drain unless otherwise

approved by the Township. All installations shall comply with all applicable laws, rules and regulations.

3.3. Discontinuance of Private Systems. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in section 2.4, a direct connection shall be made to the public sanitary sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material at the owner's expense. All filling and demolition is subject to approval of the DPW.

3.4. Maintenance. All persons owning or using private sewage disposal systems shall, at their own expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

3.5. Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township or other authorities with respect to private sewage disposal.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

4.1. Connection to Sewer. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the DPW.

4.2. Permit Required. All connections with any public sanitary sewer shall be made only on written authorization and permits issued by the DPW on such forms and on payment of such fees as shall be established from time to time by the DPW or the Township.

4.3. Cost of Building Sewer. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the DPW and the Township from all loss or damage that may be occasioned by the installation of the building sewer.

4.4. Application - Plans. All applicants for sewer connection permits shall, when required, submit plans and specifications of all plumbing construction within the building or premises to be connected to the public sanitary sewer and such plans and specifications shall meet the requirements of the Plumbing Code of the State of Michigan and all other applicable orders, rules and regulations, including those of the Michigan Department of Public Health. The approval of connection permits shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains, and sewage treatment plant.

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When such plans and specifications have been approved by the DPW, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed. Final approval will be subject to compliance with all applicable laws, rules, regulations and orders.

4.5. Inspection. The applicant for a building sewer permit shall notify the DPW when the building sewer is ready for inspection. The DPW shall then inspect that building and plumbing construction therein and, if such construction meets the previous requirements as so approved in the construction permit, a sewer connection approval shall be issued, subject to the applicable provisions of this ordinance. Upon final approval of any sewer connection, all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent upon completion of installation shall comply with all applicable laws, rules, regulations and orders including the Township's Building Codes.

4.6. Building Sewer Maintenance. The cost of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the DPW.

4.7. Connection; How Made. All connections to existing or new sewers will be, at the option of the Township and/or the DPW, made or inspected by the DPW. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. *

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

4.9. Backfill Requirements. When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in such condition, the Director is authorized by this article to make the necessary repairs and charge the total cost against the person responsible for the same. No backfill shall be placed until the building sewer and connection has been inspected and approved by the Director or his designee. The holder of the permit shall notify the Director when the building sewer and connection are ready for inspection.

4.10. Time Limit on Open Trench. The person or owner causing any excavation or trench to be made in any public street or thoroughfare in the Township shall be required to backfill and replace the trench as herein provided within a period of three days after work of excavating has been started unless permission is granted by the Director to allow the trench to be open for a longer period of time. In case of the failure to promptly refill any trenches within a period of three (3) days, the Director shall have the right to cause the same to be refilled and the expense shall be charged against the person, or owner responsible therefore.

4.11. Barricade Requirements. Every person digging or causing to be dug any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along such trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be dug so as to entirely block any street for travel without the consent of the Director. All barricading shall be done in accordance with the Wexford County Road Commission requirements. In case of the failure to properly barricade or light such excavations or trenches, the County Road Commission is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening.

4.12. Sewer Connection Requirements. All sewer connections shall be made with the following approved sewer pipe: (a) Sch. PVC 40-80-120, ASTM D-1785 (b) ABS, Sch., ASTM D-1527, (c) Clay pipe, C700 ASTM pipe, joint C-425-58T, (d) cast iron pipe, ASTM A74-72, (e) asbestos cement pipe, ASTM C-428-59+, class 2400. Sewer pipe shall not be less than six inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the Director or his designee; the connection shall be made by saddle device approved by the Director. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations, and codes governing plumbing in the Township. *

4.13. New Use of Existing Sewers. Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Director, to meet all requirements of this Article. ✓

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

4.15. Sewer Elevation. Whenever possible the sewer connection shall be brought to the building at an elevation below the basement floor. No sewer connection shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth to invert shall be sufficient to afford protection from frost. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by approved artificial means and discharged to the sewer connection.

ARTICLE V

USE OF THE PUBLIC SEWERS

5.1. Unpolluted Water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any public sanitary sewer.

5.2. Storm Drainage. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Township, and in compliance with all applicable laws, rules, regulations, orders and procedures. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the DPW, to a storm sewer, combined sewer or natural outlet. The Township and the DPW have the right to exclude industrial or commercial waste in whole or in part, for any reason.

5.3. Prohibited Uses. 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 National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- (a) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plan resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (115°F) unless the POTW treatment plant is designed to accommodate such temperature.
- (b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (c) Any garbage that has not been properly shredded.
- (d) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch

manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

- (e) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (f) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the sewage treatment plant.
- (g) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (h) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (i) Any water and/or waste not complying with all NPDES permit requirements, pretreatment standards, and all other unspecified state and federal regulations.
- (j) Any waters or wastewaters having chlorine demand in excess of 15 mg/l.
- (k) Any waters or wastes having pH less than 5.5 and greater than 9.5.
- (l) Any waters or wastes containing more than 10 mg/l of the following gases: hydrogen sulphide, sulphur dioxide, oxides of nitrogen, or any of the Halogens.
- (m) Any waters or wastes containing grease, oil or any oily substance in concentrations in excess of 50 mg/l.
- (n) Any waters or wastes containing any substance that will solidify or become viscous at temperatures below 100°F, or containing soluble substance in concentrations that would increase the viscosity of the wastewaters discharged to greater than 1.1 specific viscosity, or containing any insoluble substance having a specific gravity greater than 2.65.
- (o) Any waters or wastes containing insoluble substance in excess of 10,000 mg/l.
- (p) Any waters or wastes containing total solids (soluble or insoluble substance) in excess of 20,000 mg/l.

- (q) Any waters or wastes containing insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than one-half ($\frac{1}{2}$) inch.
- (r) Any waters or wastes containing phenols in excess of 0.2 mg/l or as approved by the Michigan Water Resources Commission.
- (t) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (u) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (v) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.
- (w) 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.

When the Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to cause an interference, the Director shall: 1) advise the user(s) of the impact of the contribution on the POTW; and 2) develop effluent limitation(s) for such user to correct the interference with the POTW.

5.4. Interceptors. (a) Grease, oil, sand interceptors, and conventional grease traps shall be provided when, in the opinion of the Director, they are necessary for the proper handling of the 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 or dwelling units. All interceptors shall be of a type and capacity approved by the DPW, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

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

5.5. Agreements. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township or the DPW and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City, the Township and the DPW for treatment, subject to payment therefore by the industrial concern.

ARTICLE VI

INDUSTRIAL MONITORING AND PRETREATMENT

6.1. Purpose and Policy. This Article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Township and enables the Township and the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations promulgated pursuant thereto (40 CFR, Part 403).

The objectives of this Article are:

- (a) To prevent the introduction of pollutants into the System which will interfere with the operation of the System or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the System which will pass through the System, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the System;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the System; and
- (d) To provide for equitable distribution of the cost of the System.

This Article provides for the regulation of direct and indirect contributors to the System through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that

existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

6.2. Federal Categorical Pretreatment Standards. Upon the adoption, promulgation or implementation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The DPW shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

6.3. Township's Right to Revision. The Township 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 sections 1 or 2 of this Article.

6.4. Excessive Discharge. 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 Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township, City, DPW or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in section 3.11, Article V, e.g., the pH limitation.)

6.5. Accidental Discharges and Operational Upsets. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of 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 DPW for review and shall be approved by the DPW before construction of the facility. All existing users shall complete such a plan within 180 days on enactment of this ordinance. 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 ordinance. In the case of an accidental discharge or an operational upset, it is the responsibility of the user to immediately telephone and notify the DPW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

6.6. Written Notice. Within five (5) days following an accidental discharge or operational upset, the user shall submit to the DPW 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 system, fish kills, or any other liability which may be imposed on the City of Cadillac, Wexford County, the DPW or the Township on account thereof.

6.7. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

6.8. Fees Purpose. It is the purpose of this section to provide for the recovery of costs from users of the County's wastewater disposal system for the implementation of the program established herein. The applicable charges for fees shall be set forth in the Township's Schedule of Charges and Fees.

6.9. Charges and Fees. The Township, by resolution of the Township Board, may adopt charges and fees which may include:

- (a) fees for reimbursement of the Township's and DPW's costs of setting up and operating the pretreatment program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for the consistent removal of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) other fees as the Township Board may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees charged by the Township.

6.10. Administration - Sewer Use Permits.

(a) Sewer Use Permits. All significant industrial users and major contributing industries proposing to connect to or contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing significant industrial users and major contributing industries connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance. "Significant industrial user" shall be taken to include all those identified under section 1.1 and any

other source which the Township or DPW has reason to believe has any potential to deliver any hazardous or toxic waste to the POTW.

(b) Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the DPW an application in the form prescribed by the DPW. Proposed new users shall apply at least 60 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (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 Article VI, section 2 of this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Source and volume of water used in processing, cooling, and waste transportation;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) 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) The agreement to maintain records and file reports on final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other hazardous wastes as may be designated hereafter by the State, County or Township;
- (9) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, City, County, State or Federal Pretreatment Standard, 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 (O & M) and/or additional pretreatment is

required for the user to meet applicable pretreatment standards;

- (10) If additional pretreatment and/or O & M 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:
 - (i) 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 facilities required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)
 - (ii) No increment referred to in paragraph (i) shall exceed 9 months.
- (11) Each product produced by type, amount, process or processes and rate of production;
- (12) Type and amount of raw materials processed (average and maximum per day);
- (13) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (14) Any other information as may be deemed by the DPW to be necessary to evaluate the permit application

The DPW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the DPW may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

(c) Permit Modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Article VI, section 10.2, the user shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In Addition, the user with an existing Wastewater Contribution Permit shall submit to the Director within 180 days

after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs (j) and (k) of Article VI, section 6.10(b)(10) and (11).

(d) Permit Conditions. Wastewater Contribution Permits shall be subject expressly to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the DPW. Permits may contain the following:

- (1) Designation of types and sizes of containment facilities to control process spills to the designated sewers.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports (see Article VI, section 11).
- (8) Requirements for maintaining and retaining plant records, relating to wastewater discharge as specified by the DPW, and affording the DPW access thereto.
- (9) Requirements for notification of the DPW of 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) Requirements for notification of sludge discharges as per Article VI, section 16.2.
- (11) Other conditions as deemed appropriate by the Township and the DPW to ensure compliance with this ordinance.

(e) Permit Duration. Permits shall be issued for a specified time period, not to exceed two (2) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the DPW during the term of the permit as limitations or requirements as identified in Article VI, section 10.4 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least

30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit Transfer. Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the DPW. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

6.11. Reporting Requirements for Permittee.

(a) Compliance Date Report. Within 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 O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(b) Compliance Reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director, at frequencies indicated in the User Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. 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.

6.12. Monitoring Facilities. The DPW shall require to be provided and operated at the user's expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the DPW, when a location would be impractical or cause undue hardship on the user, may 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.

(a) 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.

(b) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the DPW's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the DPW.

(c) The user shall provide an approved sketch to the DPW for its records, showing the locations of all sampling manholes. The sketch shall show the roadways and access points to the sampling manholes and note entry limitations, if any, the telephone number and name of the person to contact for entrance, and any other data considered pertinent by the Director.

6.13. Inspection and Sampling. The DPW shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the DPW ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or the performance of any of their duties. The EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, 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 users shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the DPW, MDNR and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

6.14. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the DPW 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 DPW for review and shall be acceptable to the DPW 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 Township and the DPW under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes.

The DPW shall publish annually in the Cadillac Evening News a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification also shall summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

6.15. Confidential Information. 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 DPW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions 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 ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/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.

Information accepted by the DPW as confidential shall not be transmitted to any governmental agency or to the general public by the DPW until and unless a ten-day notification is given to the user, except in emergencies.

ARTICLE VII

ENFORCEMENT AND PENALTIES

7.1. Harmful Contributions. The Township or the DPW may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City, Township, County or DPW to violate any condition of any NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall stop immediately or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township or the DPW 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 Township or the DPW shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying 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 Director within 15 days of the date of occurrence.

7.2. Revocation of Permits. Any user who does any of the following or violates this ordinance, or other applicable regulations or orders, is subject to having its permits revoked in accordance with the procedures of this ordinance:

- (a) Fails to accurately report the wastewater constituents and characteristics of its discharge;
- (b) Fails to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violates the conditions of its permit.

7.3. Notification of Violation. Whenever the Township or the DPW finds that any user has violated or is violating this ordinance, Wastewater Contribution Permit, or any prohibition, limitation of requirements contained herein, the Township or the DPW may serve upon such person a written notice stating the nature of the violation and indicating a time limit for the correction of the violation.

7.4. Show Cause Hearing. The Township or the DPW may order any user who causes or allows an authorized discharge to enter the POTW to show cause before the Township Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Township Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Township Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

At any hearing held pursuant to this ordinance, 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 charges thereof.

After the Township Board has reviewed the evidence, it 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 or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

7.5. Legal Action. If any person discharges sewage, industrial wastes or other wastes into the public sewer disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the DPW, the DPW or the Township may commence an action for appropriate legal and/or equitable relief in the Wexford County Circuit Court. If such action is taken the person shall pay the actual reasonable expenses incurred by the Township or DPW to bring and maintain the action including without limitation, actual reasonable attorney's fees.

7.6. Collection of Rates. The charges and rates for sewer services provided herein which are made a lien on all premises served thereby, unless notice is given as provided by state statute that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for forty-five days, the DPW shall certify annually on September 1 each year, to the tax-assessing officer of the Township, the fact of such delinquency, whereupon such charge shall be entered by him upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises as collected, and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Michigan law no further service shall be rendered such premises until a cash deposit of not less than the estimated bill for three (3) months service shall have been made as security for the payment of such charges and service.

7.7. Water Shut-Off. In addition to the other remedies provided, the Township shall have the right to shut off and discontinue the supply of water to any premises served by a Township or other publicly owned water supply system for the non-payment of sewer rates when due. If such charges are not paid within thirty (30) days after the due date thereof, then such water services to such premises shall be discontinued. Water services so discontinued shall not be restored until such time as all charges and penalties due under this ordinance are paid in

full. Such water shut-off shall be preceded by adequate notification by the DPW.

7.8. Civil Penalties. Any user who is found to have violated any Order of the DPW or Township, or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be subject to fines. In addition to the penalties provided therein, the Township and the DPW may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder. In addition, should it be determined that the POTW or any of the connecting sewer lines or lift stations have incurred damage as a result of any violation of this ordinance, the Township and the DPW shall have the right to recover any and all damages from those parties in violation.

7.9. Falsifying Information. Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, be punished upon conviction by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

7.11. Inspectors. The duly authorized employees of the Township or DPW bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

7.12. Record Copying. Inspectors or other authorized employees of the Township or DPW shall have the right to have access to and make copies of any discharge related records of any non-domestic user. This right is in compliance with Section 308 of the Clean Water Act.

7.13. Collecting Non-Domestic User Information. The Township or DPW shall have the right to request and receive certain specific information from all non-domestic users. This information is not limited to those items listed in Article VI, but may include specific additional information which may be used to classify users or identify potentially hazardous waste sources.

7.14. Criminal Penalty. Any person who violates any provision of this ordinance is guilty of a misdemeanor and may be punished with a fine of up to \$500 or imprisonment of up to ninety (90) days, or both such fine and imprisonment.

ARTICLE VIII

RATES AND CHARGES

8.1. User Charge. Rates and charges for service collection and treatment services shall be charged to all persons using the services. Such rates and charges shall reflect reasonably the proportionate cost of providing the service.

8.2. Purpose and Applicability of User Charges. Charges for the use of the public sanitary sewer and the use of interceptors, pumping stations, force mains, and the wastewater treatment plant in the City are hereby established. Such charges are established for the purposes of covering the following costs:

- (1) Operation and maintenance of the public sewer. This means all work, materials, equipment, utilities, administration, and other effort required to operate and maintain the wastewater collection and transportation of wastewaters into the system.
- (2) The DPW's monthly payments to the City for interception, transportation, treatment, and disposal of the Township's wastewater are defined and detailed in the "Wastewater Treatment Agreement Between the City of Cadillac and Wexford County, Michigan." Such payments comprise the County's share of the City's treatment plant and sewer network operation and maintenance costs as a result of the Township's wastewater flow.

8.3. User Rates and Charges. Commencing on the effective date of this ordinance, the user rates and charges for wastewater collection and treatment at the City's Treatment Plant shall be as established from time to time by resolution of the Township Board.

8.4. Special User Rates and Charges. Where sewage disposal service is furnished to users not connected to a public water system or in cases where users make use of large quantities of water which may be discharged into storm sewers or approved outlets other than the sanitary sewer system, or for other miscellaneous users of water for which special consideration should be given, special rates may be fixed from time to time by resolution of the Township Board.

8.5. Direct Connection Charges. A direct connection charge shall be paid for each premises connecting to the System at the time that the permit required in Article IV, Section 2 is applied for. Said direct connection charge shall be as follows:

- (a) The direct connection charge for a single family residence shall be as established from time to time by resolution of the Township Board.

- (b) The direct connection charge for any premises other than a single family residence shall be based upon the User Charge Units, as established from time to time by resolution of the Township Board.

8.6. Indirect Connection Charge. An indirect connection charge shall be imposed where a sanitary sewage collection system (a) has been constructed in accordance with standards set pursuant to all applicable laws, rules and regulations, (b) is servicing three (3) or more premises, and (c) is dedicated to the Township and made a part of the system, in an amount as established from time to time by resolution of the Township Board.

8.7. Credit to Connection Charges. There shall be a credit against either of said connection charges to each premises in the principal amount of any special assessment which has been assessed by the Township upon the property upon which such premises is situated for payment of part of the cost of the system. Credit for the same special assessment may not be taken more than once and, in no event, shall the credit be greater than the amount of the connection charge. For example, if a special assessment of \$1,000 has been paid for a parcel and the connection charge is \$1,000, no amount would be paid because the full \$1,000 assessment would be a credit against the connection charge. If the connection charge were \$1,200 the customer would receive the \$1,000 special assessment credit and pay only \$200 in connection charges. If the connection charge were only \$500, the customer would pay nothing but also would receive nothing because the credit for the special assessment will not be considered greater than the connection charge.

8.8. Payment of Connection Charges. The property owner may elect to pay connection charges either by a single payment or in installments over a period not to exceed five (5) years. The property owner electing to pay by the installment method shall in writing agree to pay said connection charge in five (5) or fewer equal annual installments of principal, plus interest of ten percent (10%) per annum. Any annual installment, including interest due, not paid when due, from and after the date when due, shall be subject to a one-time four percent (4%) penalty charge, plus interest at the rate of seventy-five hundredths of one percent (0.75%) for each month or portion thereof payment is past due. In addition, interest at the rate of ten percent (10.0%) per annum shall continue to accrue on the entire amount of unpaid principal including any late installment subject to the penalties. Past due installments, including interest due, shall become a lien on the property served in the same manner as special assessments.

8.9. Financial Hardship. The owner of a single family residence, which residence has been assessed a connection charge, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the connection charges, based upon a showing of financial hardship, subject to and in accordance with the following:

- (a) The owners of the premises shall complete under oath a hardship application provided by the Township Board and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than sixty (60) days prior to the due date of the annual installment due. Any such deferment shall be for that annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
- (b) The hardship application shall be reviewed by the Township Board, and, after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship and forthwith shall forthwith notify the applicant of said determination.
- (c) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- (d) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of deferment or partial or total charges so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the clerk of the Township so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one (1) of the following events:
 - (1) A change of the applicant's financial status which removes the basis for financial hardship;
 - (2) A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
 - (3) A death of any of the applicants.
- (e) Upon receiving a determination of the Township Board deferring partial or total charges imposed, the owners of the premises shall execute, within one (1) month, a recordable security instrument on the premises to the

Township, as the secured party, payable on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the premises. Said security interest shall be in an amount necessary to cover all fees and charges required under this ordinance, and all costs of installation and connection, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

8.10. Right to Deny Use. If the character of sewage from any manufacturing or industrial plant or from any other building or premises is such that it imposes an unreasonable burden upon the system, in the discretion of the Township or DPW, the Township or the DPW may, as provided in this ordinance, require the sewage to be separately and satisfactorily treated before being emptied into any public sewer, or deny the right to empty said sewage, if necessary, for the protection of the system, public health, or safety.

8.11. No Free Service. No free service shall be furnished by the System to the Township or to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

ARTICLE IX

APPLICATION FOR SEWER SERVICE AND BILLING PROCEDURES

9.1. Application for Service. A user desiring to obtain sewer service shall sign the required application form which is available at the DPW, 3161 South Lake Mitchell Drive, (Pole Road), Cadillac, Michigan. A signed application must be received before new service will be commenced. In the event sewer service at the premises is to be continuous through a change of ownership in the premises, an application from the new user (owner) must be received prior to the change in ownership. Failure to complete an application may result in discontinuance of service.

9.2. Responsibility for Sewer Service Bills. The owner of a premises receiving sewer service shall be responsible for the timely payment of the charges for that service, and any unpaid charges shall become a lien on the property in accordance with applicable Michigan law. If, however, the tenant is to be responsible for the payment of sewer charges, the DPW must be so notified in a writing signed by both the landlord and tenant and including a true copy of the lease of the affected premises, if one exists. Upon receipt of such notification, the sewer charges shall not become a lien against the premises from and after the date of the notice. In the event of filing of the notice, no further service to the premises will be provided, unless and until a cash deposit equal to three (3) times the quarterly bill for

sewer charges has been deposited with the DPW as security for the payment of the charges.

9.3. Return of Security Deposits. The Township shall, through the DPW, refund a deposit upon satisfactory payment by the user of all proper charges for sewer service for a period of twelve (12) successive billing quarters. Payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for nonpayment. Users who have established credit by the satisfactory payment of sewer charges at one premises shall not be required to make deposits at a subsequent premises. A user who has been refunded his deposit shall be required to remake a security deposit in the event his service is discontinued for nonpayment before service will be reinstated. Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill, and the balance, if any, shall be promptly returned to the user.

9.4. No Interest on Security Deposit. No interest will be paid on security deposits made under this ordinance.

9.5. Sewer Service Bills. Bills for sewer service shall be rendered quarterly and are payable at the office of the DPW. The total amount of the sewer charges shall be the "net" amount of the bill.

9.6. Payment of Bills. Bills shall be due and payable fifteen (15) days from the date of the mailing of the bill. There shall be no discount for early payment.

9.7. Late Payment Penalty. In the event the bill is not paid by the due date, a ten percent (10%) penalty will be added to the net amount of the bill, and both shall become immediately due and payable. All payments by mail must be postmarked on or before the due date to prevent imposition of the ten percent (10%) penalty. When the due date falls on a legal holiday, Saturday, or Sunday, the net amount will be accepted on the first (1st) business day following. Failure to receive the bill shall not excuse late payment unless it can be shown from the billing record that the bill was not sent.

9.8. Change of Address. It shall be the responsibility of the owner and/or user to notify the DPW of any change in ownership or billing address.

9.9. Notice of Past Due Bill. If payment is not received within fifteen (15) days of the due date, a reminder notice will be sent by first class mail to the last known address of the user to inform him that the account is past due and that, if he has any questions regarding the bill, he should contact the DPW.

9.10. Termination of Service for Nonpayment. If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a termination

of service notice will be sent by first class mail to inform the user that failure to pay the past due amount, including any penalties, within seven (7) days will result in termination of service. This notice will also inform the user that if he has any questions regarding the bill he should contact the DPW. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the notice is mailed to the user, the sewer service will be discontinued. No sewer service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangements for such payment are made.

ARTICLE X

PROTECTION FROM DAMAGE

10.1. Unauthorized Acts. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage system.

10.2. Liability. Any person violating any of the provisions of this ordinance shall become liable to the Township, the County and the DPW for any expense, loss, or damage occasioned to the Township, the County or the DPW by reason of such violation.

10.3. Warning Light. Any person observing the red light illuminated or hear an audible alarm at any grinder or lift station shall immediately notify the DPW during normal business hours or the Wexford County Sheriff Department at other times.

ARTICLE XI

ANNUAL REVIEW

11.1. Review of Rates and Charges. Annually, prior to the adoption of the DPW next fiscal year budget, there shall be a review by the DPW of all rates and charges, including user and connection charges. Upon completion, a report shall be prepared and presented at a joint meeting of the Wexford County Board of Public Works and the Township Board of the Township summarizing the review and recommending rates and charges which will assure that the costs of service will be recovered from users classed proportionately to the cost of providing service to them.

ARTICLE XII

VALIDITY

12.1. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

12.2. Validity. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

12.3. Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XIII

EFFECTIVE DATE

13.1. Effective Date. This ordinance shall be effective thirty (30) days after publication in the Cadillac Evening News.

YEAS: Boardmember(s) Parker, Hofstra, Young, Walker, Ziel,
Corwin

NAYS: Boardmember(s) None

ABSENT: Boardmember(s) Nelson

Approved this 10th day of July, 1986.

Theron Z Parker
Theron Parker
Township Supervisor

Andrea Hofstra
Andrea Hofstra
Township Clerk

I, Andrea Hofstra, Township Clerk of the Charter Township of Haring, certify that the foregoing ordinance was adopted by the Township Board of Haring in public session held July 10, 1986.

Dated: July 10, 1986

Andrea Hofstra
Andrea Hofstra Township Clerk

I, Andrea Hofstra, Township Clerk of the Charter Township of Haring, do hereby certify that this Ordinance was published in the

Cadillac Evening News on July 30th, 1986.

Dated: July 30th, 1986

Andrea Hofstra
Andrea Hofstra Township Clerk