

**CHARTER TOWNSHIP OF HARING  
COUNTY OF WEXFORD  
MICHIGAN**

Minutes of a special meeting of the Township Board of the Charter Township of Haring, County of Wexford, Michigan, held in the Township Hall located at 515 Bell Ave, Cadillac, Michigan, on the 27th day of June, 2016, at 5:30 p.m. Local Time.

PRESENT: Members: Scarbrough, Soule, McCain, Baldwin, Fagerman, Whetstone and  
Wilkinson

ABSENT: Members None

It was moved by Whetstone and seconded by Wilkinson that the following Ordinance be adopted under the authority of the Revenue Bond Act of 1933, being Act 94 of the Public Acts of Michigan of 1933, as amended.

**ORDINANCE NO. 2016-103**

**AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS TO THE PUBLIC SEWER SYSTEM; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; INDUSTRIAL PRETREATMENT; THE ESTABLISHMENT AND COLLECTION OF RATES AND CHARGES FOR THE CONNECTION TO AND THE USE OF THE PUBLIC SEWER SYSTEM; AND THE ADMINISTRATION OF THE SYSTEM; TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO.**

The Ordinance was then discussed.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS:       Members:   Scarbrough, Soule, McCain, Baldwin, Whetstone and Wilkinson

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NAYS:       Members:   Fagerman

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ABSTAIN:   Members:   None

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The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 2016-103 as adopted:

THE CHARTER TOWNSHIP OF HARING ORDAINS:

**ORDINANCE NO. 2016-103**

**AN ORDINANCE TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS TO THE PUBLIC SEWER SYSTEM; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; INDUSTRIAL PRETREATMENT; THE ESTABLISHMENT AND COLLECTION OF RATES AND CHARGES FOR THE CONNECTION TO AND THE USE OF THE PUBLIC SEWER SYSTEM; AND THE ADMINISTRATION OF THE SYSTEM; TO PROVIDE PENALTIES FOR ORDINANCE VIOLATIONS AND OTHER MATTERS PERTAINING THERETO.**

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**ARTICLE 1**  
**SHORT TITLE; FINDINGS; PURPOSE**

**Section 101. Short Title.** This Ordinance shall be known as the “Sewer Connection, Use and Rate Ordinance” and may be cited as such.

**Section 102. Objectives Re: Public Health, Safety and Welfare.** The Public Sewer System was established by the Township to promote the public health, safety and welfare of the residents of the Township. The Township is required to operate, maintain and administer the Public Sewer System. The Township is required to pay all costs related to the Public Sewer System, including debt service on the debt incurred by the Township for the Public Sewer System. Accordingly, it is necessary for the Township to establish rates and charges for services to Persons using the Public Sewer System in amounts necessary to allow the Township to operate, maintain and administer the Public Sewer System and to pay debt service on the debt incurred by the Township for the Public Sewer System, and to adopt an ordinance that requires users of the Public Sewer System to pay rates and charges for sewer collection and disposal services. It is the objective of the Township by enacting and keeping in force and effect this Ordinance to protect and promote the public health, safety and welfare of the residents of the Township.

**Section 103. Objectives Re: State and Federal Law Requirements.** This Ordinance sets forth uniform requirements for Users of the Public Sewer System and enables the Township to comply with all applicable State and Federal laws, including without limitation the Clean Water Act and the Part 23 Pretreatment Rules of the MDEQ, being Section R323.2301 to R323.2317, inclusive, of the State Administrative Code. In addition, the objectives of this Ordinance include the following:

- a. To prevent the introduction of pollutants into the Public Sewer System which will interfere with the operation of the Public Sewer System or contaminate the resulting sludge;
- b. To prevent the introduction of pollutants into the Public Sewer System which will pass through the Public Sewer System, inadequately treated, into the receiving stream or the atmosphere or otherwise be incompatible with the Public Sewer System;
- c. To improve the opportunity to recycle and reclaim wastewaters and sludges from the Public Sewer System;
- d. To provide for equitable distribution of the cost of the Public Sewer System;  
and
- e. To protect the physical integrity of the Public Sewer System and the Sewage Treatment Facility and to provide for the safety of the public and workers on and in the Public Sewer System and the Sewage Treatment Facility.

**Section 104. Findings Re: Public Health, Safety and Welfare.** The Township hereby determines that the Public Sewer System is immediately necessary to protect and preserve the public health, safety and welfare of the Township by abating pollution caused by failed or failing septic systems in the Service District based upon the express determination of the State Legislature set forth in Section 12752 of the Michigan Public Health Code and which reads as follows:

“Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

**Section 105. Findings Re: Useful Life of Public Sewer System.** Based upon the written certification of Gosling Czubak Engineering Sciences, Inc., the consulting engineer that designed a significant portion of the Public Sewer System, assets which comprise a significant portion of the Public Sewer System have a useful life of greater than forty (40) years.

**Section 106. Finding Re: Measure of Sewer Use by Metering of Water Supply.** The Township hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the discharge to and the use of the Public Sewer System. However, the Township recognizes that the cost for the implementation, use and maintenance of this technology is often high especially for Residential Users of the Public Sewer System. To the extent practicable, the Township will seek to use and require metering for measuring discharges to and use of the Public Sewer System. The Township declares, as its goal, the eventual use of metering of domestic water supply for all Users of the Public Sewer System at that time when (a) all or substantially all Users of the Public Sewer System are connected to the Public Water System and/or (b) in the opinion of the Township, the costs for using and maintaining the metering technology is practical and cost effective for Residential Users of the Public Sewer System. In the interim, the Township finds that, with respect to Residential Users not connected to the Public Water System, the use of a flat-rate User Charge based upon Units is a valid, cost effective, and practical method for measuring use of the Public Sewer System.

## **ARTICLE 2 DEFINITIONS**

**Section 201. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) **Act 222.** Act 222 of the Public Acts of Michigan of 2001, as amended.
- (2) **Alternative Discharge Limit.** Limits set by the Township in lieu of the promulgated National Categorical Pretreatment Standards for Integrated Facilities in accordance with the Combined Waste Stream formula as established by the EPA.
- (3) **Authorized Representative.**
  - (a) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) In the case of a limited liability company a principal managing member or the member in charge of the principal business functions;

(c) In the case of a partnership or proprietorship, a general partner or proprietor; and

(d) An authorized representative of the individual designated above if: (i) such a representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (ii) the authorization is in writing; and (iii) the written authorization is submitted to the POTW.

(4) **Available Public Sanitary Sewer System.** To be an Available Public Sanitary Sewer System to a Structure in Which Sanitary Sewage Originates located on a Premises, the Public Sewer System (tapped or untapped) must:

(a) have physical availability to the Premises, i.e., be located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the Premises;

(b) have capacity availability for the Premises, i.e., adequate capacity in the abutting sewer main and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from the Structure in Which Sanitary Sewage Originates; and

(c) be located not more than 250 feet at the nearest point from the Structure in Which Sanitary Sewage Originates.

The distance from the Public Sewer System shall be measured (a) from the Service Connection with respect to a Structure in Which Sanitary Sewage Originates for which a Service Connection has been installed by or for the Township; or (b) from the sewer main for a Structure in Which Sanitary Sewage Originates for which no Service Connection has been installed by or for the Township.

(5) **Best Management Practices.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and also treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) **Board of Appeals.** The Township Board acting in the capacity as the Wastewater Board of Appeals pursuant to Article IX of this Ordinance.

(7) **B.O.D.<sub>5</sub> or Biochemical Oxygen Demand.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in PPM or mg/l.

(8) **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge of Sewage inside of the walls of the building and conveys said discharge to the Building Sewer.

(9) **Building Sewer.** The extension from the Building Drain which conveys the discharge of Sewage to the Public Sewer System and its components or other place of disposal.

(10) **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and Section 307 (c) of the Clean Water Act, 33 U.S.C. §1317, which apply to a specific category of Nondomestic Users and which appear in 40 C.F.R. chapter I, subchapter N (1990), parts 405-471.

(11) **Cesspool.** An underground pit into which raw sewage or other untreated liquid waste is discharged and from which the liquid seeps into surrounding soil or is otherwise removed.

(12) **Chemical Oxygen Demand (COD).** The total demand or quantity of oxygen required by the Wastewater as specified in the current edition of Standard Methods for the Examination of Water and Wastewater (or its successor publication) expressed in weight and concentration (milligrams per liter (mg/L)). Specifically excluded are "heavy" metals, PCBs, and any Pollutants that will likely contribute or cause operational or, sludge disposal problems or unacceptable discharges to the Receiving Waters.

(13) **Chlorine Demand.** The difference between the amount of chlorine added to water or Wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

(14) **Claimant.** Any person who makes a claim for economic damages which allegedly were caused by a Sewage Disposal System Event.

(15) **Clean Water Act.** The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

(16) **C.O.D. or Chemical Oxygen Demand.** The oxygen consuming capacity of inorganic and organic matter present in Sewage.

(17) **Combined Sewer.** A sewer receiving both surface runoff and sewage.

(18) **Combined Waste Stream.** The waste stream at nondomestic facilities where regulated process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process. Where required by federal or state law, and only to the extent required by federal or state law, the combined waste stream formula provided in 40 CFR 403 will apply to the limits applicable to a Combined Waste Stream.

(19) **Commodity Charge.** A periodic charge levied on Users for use of the Public Sewer System on the basis of water consumption. The charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance and (b) the benefit to that User derived from the use of the Public Sewer System. The charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Sewer System indebtedness.

(20) **Compatible Pollutant.** The Pollutants which can be treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to defined maximum concentrations of B.O.D.5, S.S., pH and additional pollutants identified in the NPDES Permit if the Sewage Treatment Facility was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree.

(21) **Compliance Schedule.** A schedule consisting of one (1) or more milestone dates required for corrections, additions or modifications of treatment systems or related pollution prevention or control activities as a result of an Enforcement Action, expansions or changes in operations or changes in Local Limits, Categorical Pretreatment Standards or Categorical Standards. Compliance schedules do not preclude additional Enforcement Actions due to violations of requirements of this Ordinance.

(22) **Composite Sample.** The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on an increment of either flow or time, over a specified period which provides a representative sample of the average stream during the sampling period. For categorical process samples, this is required to be a minimum of four samples per 24 hours (40 CFR 403.12(b)).

(23) **Connection Fee.** The charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the ability of the Township to provide service to the Public Sewer System's existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of Private Sewage Disposal Facility and the contamination of ground water. See also Direct Connection and Indirect Connection.

(24) **Control Authority.** The Township.

(25) **Control Manhole.** The structure installed on the Building Sewer or Service Connection to allow access for measurement and sampling of Sewage discharging from Nondomestic Users.

(26) **Cooling Water.** The water discharged from any use as air conditioning, cooling or refrigeration, or to which only heat is added.

(27) **Cost of Operation and Maintenance.** All costs, direct and indirect, inclusive of all expenditures attributable to administration, Cost of Replacement, treatment and collection of Sewage, necessary to insure adequate collection and treatment of Sewage on a continuing basis in conformance with the NPDES Permit, and other applicable local, state and federal regulations.

(28) **Cost of Replacement.** Expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the Public Sewer System to maintain the capacity and performance for which the Public Sewer System was designed and constructed.



(29) **Debt Service Charge.** An amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition, construction and improvement of the Public Sewer System.

(30) **Development System.** An extension of the Public Sewer System by a property owner or developer in accordance with Section 309.

(31) **Direct Connection.** The connection of the Building Sewer directly to the Public Sewer System in a manner such that the Premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

(32) **Discharger.** Any person or entity owning, controlling or operating any real property which directly or indirectly utilizes the POTW. Discharger also means any employee, officer, director, partner, member, contractor or other Person who participates in, or is legally or factually responsible for, any act or omission which is a violation of this Ordinance or which results in a violation of this Ordinance. This definition shall be interpreted broadly to include any Person or entity who participates in an act or omission that results in a violation of this Ordinance.

(33) **Domestic Sewage.** Normal Strength liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries and all other water-carried wastes of organic nature either singly or in combination thereof.

(34) **Domestic Users.** All Users of the Public Sewer System whose discharge into the Public Sewer System is primarily Domestic Sewage.

(35) **Dosing Chamber.** A watertight tank or receptacle used for the purpose of retaining the overflow of effluent from a Septic Tank, pending its automatic discharge to a selected point.

(36) **Dosing Siphon.** A mechanical device which will automatically cause a liquid entering a receptacle to be siphoned away until a second predetermined lower level has been reached, at which time the flow from the receptacle ceases until the high water level has again been attained.

(37) **Dry Well.** A seepage pit.

(38) **Effluent.** Waste material (as smoke, liquid, industrial refuse or Sewage) discharged into the POTW.

(39) **Enforcement Action.** Action taken by the Township to return a User into a state of compliance with the standards established in this Ordinance. This may include, but is not limited to, fines, penalties and Compliance Schedules.

(40) **Footing Drain.** A pipe or conduit which is placed around the perimeter of a building foundation and which intentionally admits groundwater.

(41) **Garbage.** Solid wastes from the preparation, cooking and dispensing of food, and the handling, sale and storage of produce.

(42) **Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

(43) **Gravity Flow Sewer.** A sewer line that flows solely due to the earth's gravitational forces and that does not rely upon mechanical means or pumps to impart the necessary energy to convey Sewage from one point to another, whether located upon public or private property.

(44) **Gravity System.** The publicly-owned Sewer Lead which is a Gravity Flow Sewer and provides the connection between the privately-owned Building Sewer and the Public Sewer System.

(45) **Grease Trap.** A tank of a size and material and so designed as to be capable of removing grease and oily wastes from the Sewage.

(46) **Grinder Pump.** In a Grinder Pump System, the device to which the Building Sewer connects and which grinds and pumps the Sewage for transportation to the Sewage Treatment Facility.

(47) **Grinder Pump System.** The publicly owned Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System.

(48) **Health Department.** District Health Department #10, or its successor agency.

(49) **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks or vacuum-pump tank trucks.

(50) **Incompatible Pollutants.** Any Pollutant which is not compatible with biological treatment or whose removal has not been designed into the treatment process.

(51) **Indirect Connection.** The connection of a Building Sewer to a sewage collection system which is installed to applicable Township specifications and with Township approval that is:

- (a) paid for by special assessment or private funds;
- (b) serves multiple users; and
- (c) is connected to the Public Sewer System and, after construction, turned over to the Township and becomes part of the Public Sewer System.

For example, if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection.

(52) **Industrial Wastes.** The liquid, solid, semisolids or gaseous waste or form of energy, or a combination thereof, resulting from any processes of industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources, distinct from Domestic Sewage and Normal Strength Sewage.

(53) **Inspection and Administration Fee.** The amount charged, to each applicant by the Township at the time an application is made to the Township for connection to the Public Sewer System to cover the routine cost of inspecting and approving the physical connection of a Building Sewer and the Service Connection to the Public Sewer System, the issuance of a connection permit and related administrative expenses.

(54) **Inspector.** The persons responsible for inspecting connections of Building Sewers and Service Connections to the Public Sewer System as designated by the Township.

(55) **Integrated Facilities.** Nondomestic facilities whose waste streams are combined prior to treatment.

(56) **Interference.** A discharge of Wastewater which alone or in conjunction with a discharge or discharges of wastewater from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and is a cause of a violation of the Township's NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulation) Section 405 of the Clean Water Act; the SWDA, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

(57) **Laboratory Determinations.** Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the MDEQ determines that the part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures approved by the MDEQ or the EPA.

(58) **Local Limits.** Numerical or non-numerical standards and requirements established by the POTW in order to protect the safety and welfare of the public and POTW workers or the POTW or to prevent Pollutant Interference, inhibition or Pass Through in regards to plant operations or to comply with State and Federal regulations.

(59) **May.** Is permissive.

(60) **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(61) **Meter.** An instrument for measuring the rate of flow and volume of Sewage discharged to the Public Sewer System or water supplied by the Public Water System or a private source of supply.

(62) **Miscellaneous User Fee.** The amount charged to Users for miscellaneous services and related administrative costs associated with the Public Sewer System.

(63) **National Categorical Pretreatment Standard.** Any federal regulation containing Pollutant discharge limits promulgated by the EPA which applies to a specific category of Nondomestic Users.

(64) **National Pollution Discharge Elimination System Permit or NPDES Permit.** A permit issued by the MDEQ for the discharge of treated Sewage from the Sewage Treatment Facility pursuant to Section 402 of the Clean Water Act.

(65) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of Section 307(b) of the Clean Water Act and 40 CFR 403.5, as amended.

(66) **Natural Outlet.** Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

(67) **New Source.**

(a) Any building, structure, facility or installation for which there may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards which will be applicable to such source if such standards are thereafter promulgated in accordance with this Ordinance provided that:

1) The building, structure, facility or installation is constructed at a site at which no other source is located;

2) The building, structure, facility or installation totally replaces the process or production equipment that causes discharge of Pollutants at an existing source; or

3) The production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(1) or (a)(2) of this definition but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source has commenced if the owner or operator has:

1) Begun, or caused to begin as part of a continuous onsite construction program:

a) Any placement, assembly or installation of facilities or equipment; or

b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment;

2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

(68) **Non-categorical.** A process or facility with processes which is/are not regulated by any of the National Categorical Pretreatment Standards listed in 40 CFR Chapter I, Subchapter N.

(69) **Nondomestic User.** An industry, commercial establishment, or other entity that discharges Sewage or Wastewater to the POTW other than, or in addition to, Domestic Sewage. Single- and multiple-family residential dwellings with discharges consistent with Domestic Sewage characteristics are specifically excluded.

(70) **Normal Strength.** Sewage which when analyzed shows a daily average concentration of not more than 300 mg/l of BOD, nor more than 300 mg/l of Suspended Solids; nor more than 8 mg/l of phosphorous; nor more than 50 mg/l of fats, oils and grease; nor other substances which may solidify or become viscous between 32 degrees F and 150 degrees F; nor more than 40 mg/l of TKN and which do not contain a concentration of other constituents which will interfere with the Sewage Treatment Facility's treatment process; provided that the foregoing maximum concentrations or limits are subject to modification in the Schedule of Compatible Pollutants adopted from time to time by resolution of the Township Board.

(71) **Nuisance.** Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet.

(72) **Pass Through.** A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or detrimentally impacts the Receiving Waters.

(73) **Penalty.** A charge for discharge of non-compatible substances including pH in violation of the NPDES Permit.

(74) **Person.** Any individual, firm, company, association, society, corporation or group, public or private.

(75) **Plumbing System.** The water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; Building Drains and Building Sewers, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

(76) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, sewage sludge, munitions, Medical Waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt, industrial and agricultural wastes, and the characteristics of the Wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

(77) **Pollution.** The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(78) **POTW Treatment Plant.** That portion of the POTW which is designed to provide treatment, including recycling and reclamation, of Sewage and Industrial Waste, including the Sewage Treatment Facility.

(79) **Premises.** The lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property, including all structures located thereon.

(80) **Pressure Sewer or Forcemain.** A sewer line that conveys Sewage from one point to another through the use of a pump or other mechanical means, whether located upon public or private property.

(81) **Pretreatment Facilities.** Devices or structures for use in treating Industrial Waste prior to entry into the Public Sewer System.

(82) **Pretreatment or Treatment.** The reduction of the amount of Pollutants, the elimination of Pollutants, the alteration of the nature of Pollutants or the alteration of the nature of the Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Sewage Works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 CFR 403.6(d), as amended. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or Slug loadings.

(83) **Pretreatment Requirements.** Any substantive or procedural requirement related to Pretreatment imposed on a Nondomestic User, other than a National Pretreatment Standard.

(84) **Pretreatment Standards.** All National Categorical Pretreatment Standards, the general and specific prohibitions specified in 40 CFR 403.5, all State standards as well as the prohibitions or limits specified in this Ordinance.

(85) **Prior Township Sewer Ordinance.** Township Ordinance No. 86-02 adopted by the Township Board on July 10, 1986, as amended from time to time including, without limitation, Ordinance No. 10-76 adopted by the Township Board on September 20, 2010, Ordinance No. 11-77 adopted by the Township Board on February 14, 2011, Ordinance No. 12-11-12 adopted by the Township Board on November 12, 2012, Ordinance No. 13-85 adopted by the Township Board on October 29, 2013, and Ordinance No. 13-86 adopted by the Township Board on October 29, 2013.

(86) **Private Sewage Disposal Facility.** Any Septic Tank, Subsurface Disposal System or other devices used in the disposal of Sewage and which are not part of the Public System.

(87) **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 603 of this Ordinance.

(88) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of foods that have been shredded or cut to such degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewer System, with no particle greater than one-half inch in any dimension.

(89) **Public Sewer System.** The Township's sanitary sewer collection, transmission and treatment system, including all publicly-owned Gravity Flow Sewers, Pressure Sewers, Force mains, lift stations, odor control facilities, Service Connections, the Sewage Treatment Facility and all appurtenances thereto, located in the Service District or which transport Sewage from one portion of the Service District to another portion of the Service District.

(90) **Public Water System or Water System.** All Township or other publicly-owned facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, meters, and all other facilities used or useful in the pumping, treatment, and distribution of public water to properties in the Township.

(91) **Publicly-Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Clean Water Act, which is owned in this case by the Township. This definition includes the Sewage Treatment Facility and any devices and systems used in storage, treatment, recycling and reclamation of Sewage or Industrial Wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they convey Wastewater to a POTW treatment plant.

(92) **Quality Control.** A formal program designed to monitor the reliability, accuracy and precision of reported analytical results.

(93) **Readiness to Serve Charge.** A periodic charge levied on a User based upon the size of the User's public water meter. The charge represents a portion of (a) that User's proportionate share of the fixed and variable Cost of Operation and Maintenance of the Public Sewer System and (b) the benefit to that User derived from the availability of the Public Sewer System and the peak usage that User may demand from the Public Sewer System. The charge may

include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative costs of retiring Public Sewer System indebtedness.

(94) **Receiving Fund.** The Sewer System Receiving Fund established to receive collections of Sewer Rates and Charges and all other revenues of the Public Sewer System pursuant to Section 14 of Township Ordinance No. 2014-92.

(95) **Receiving Waters.** Both surface and underground waters, including all ponds, lakes, rivers, streams, public ditches or public drainage systems and sewers other than those that convey Wastewater to a POTW.

(96) **Seepage Pit.** An underground enclosure constructed of concrete blocks, bricks or similar material, loosely laid, with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

(97) **Septic Tank.** A watertight tank or receptacle used to receive Domestic Sewage and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage and the partial decomposition by bacterial action on solids so separated.

(98) **Service Connection.** The portion of the Public Sewer System which extends either to or onto the parcel of land adjacent to the path of the Public Sewer System, and includes the tee/wye, valve, check valve, connector pipes, the Sewer Lead, the Gravity System, the Grinder Pump System and appurtenances, but not including the Building Sewer

(99) **Service District.** The area of the Township served by the Public Sewer System.

(100) **Sewage or Wastewater.** Any combination of the water-carried waste material from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.

(101) **Sewage Disposal System Event.** An overflow or backup of the Public Sewer System as defined in Act 222.

(102) **Sewage Treatment Facility.** The physical plant and appurtenances owned by the Township and designated to receive and treat the raw, untreated Sewage of the properties located in the Service District and served by the Public Sewer System. Also known as and referred to as the Publicly Owned Treatment Works or "POTW" as defined by Section 212 of the Clean Water Act.

(103) **Sewage Works.** The Public Sewer System's sanitary sewage collection system, any part thereof and the Sewage Treatment Facility.

(104) **Sewer Lead.** That portion of the Service Connection which connects to the sewer main located in the public right-of-way and extends approximately therefrom to the property line, for connection to Building Sewer.

(105) **Sewer Rates and Charges.** The Connection Fee (for both Direct Connections and Indirect Connections), Inspection and Administration Fee, User Charge,



Commodity Charge, Readiness to Serve Charge, Debt Service Charge, User Surcharge, Miscellaneous User Fee, Wastewater Discharge Permit Fee, the penalty imposed pursuant to Section 304 and all applicable interest and penalties thereon.

(106) **Shall.** Is mandatory.

(107) **Significant Change.** Any change in a Discharger's effluent which causes the constituents of the discharge to be different and/or increases in the concentration or flow by twenty percent (20%) over those reported on the Discharger's Wastewater Discharge Permit application.

(108) **Significant Industrial User.** Except as provided in subsection (c) of this definition:

(a) All Nondomestic Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, Subchapter N; and

(b) Any other Nondomestic User that:

1) Discharges an average of 25,000 gallons per day or more of process Wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown Wastewater),

2) Contributes a stream of process Wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or

3) Is designated as such by the Township on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement (in accordance with 40 CFR 403.8(f)(6)).

(c) Upon finding that a Nondomestic User meeting the criteria in subsection (b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement, the Township may at any time, on its own initiative or in response to a petition received from a Nondomestic User, and in accordance with 40 CFR 403.8(f)(6), determine that such Nondomestic User is not a Significant Industrial User.

(109) **Significant Non-Compliance.** Violation by a Nondomestic User of the requirements of this Ordinance which meets one or more of the following criteria:

(a) Chronic violations of Wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit, Grab Sample limit, average limit, or composite limit for the same Pollutant parameter.

(b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all measurements for each Pollutant parameter taken during a six-

month period equal or exceed the product of the daily maximum limit, or Grab Sample limit, multiplied by the applicable TRC value (TRC=1.4 for BOD, TSS, oil and grease and 1.2 for all other Pollutants except pH).

(c) Any other violation of a Pretreatment effluent limit that the Township determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public.

(d) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the scheduled date, a Compliance Schedule milestone contained in the Wastewater Discharge Permit or other enforcement orders for starting construction, completing construction or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with Compliance Schedules.

(g) Failure to accurately report non-compliance.

(h) Any other violation or group of violations which the Township determines will adversely affect the operation or implementation of the local pretreatment program.

(110) **Slug.** Any discharge of water, Sewage or Industrial Wastes which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times Normal Strength or the average twenty-four (24) hour flows during normal operation.

(111) **Special Assessment District.** Any Special Assessment District determined at any time by the Township Board for the provision of sanitary sewer service by the Public Sewer System.

(112) **Special Assessment Roll.** Any Special Assessment Roll confirmed at any time for a Special Assessment District by the Township Board.

(113) **State.** The State of Michigan.

(114) **Storm Sewer or Storm Drain.** A sewer which carries storm or surface waters, or drainage, but excludes Sewage.

(115) **Structure in which Sanitary Sewage Originates.** A building in which toilet, kitchen, laundry, bathing, or other facilities which generate Sewage are used or are available for use for household, commercial, industrial, or other purposes.

(116) **Subsurface Disposal System.** An arrangement for distribution of septic tank effluent beneath the ground surface (also referred to as a “drainfield system”, “tile field” or “dry well” or a “soil absorption system”).

(117) **Supervisor.** The Supervisor of the Township or his or her authorized representative.

(118) **Surcharge.** A charge to cover the cost of treating Sewage which exceeds limits established by this Ordinance. A Surcharge is not acceptable as a sole remedy for violations of ordinance limits.

(119) **S.S. or Suspended Solids.** Solids either floating or suspended in Sewage, or other liquids and which are removable by laboratory filtering and biologic processes.

(120) **System.** The Public Sewer System.

(121) **Township.** The Charter Township of Haring, located in Wexford County, Michigan, and/or its duly authorized agent or representative.

(122) **Total Toxic Organics (TTO).** Total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter for toxic organics listed in federal Categorical Pretreatment Standards.

(123) **Toxic Pollutant.** Any Pollutant or combination of Pollutants which is or can potentially be harmful to public health, the POTW or the environment, including those listed as toxic in regulations promulgated by the administrator of the EPA, under the provisions of Section 307(a) of the Clean Water Act or other acts, as amended.

(124) **25 Percent Rule.** The combined depth of oil and grease and other solids (floating and settled) in any chamber of a trap shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the trap.

(125) **Unit or Units.** A factor established for each type of User as shown on Appendix A, which is based upon an average daily Sewage discharge of 200 gallons for one Unit and which represents the quantity of Sewage ordinarily arising from the occupancy of a freestanding single-family residential dwelling by a single family of ordinary size and the benefit derived from the disposal thereof. A listing of the relative relationships between the various Users of the Public Sewer System is hereby determined by the Township and set forth in Appendix A. The assignment of Unit(s) to a particular User shall be determined from time to time by the Township, based upon available information and investigation of the use to which the User’s property is put. The assignment of Unit(s) for any use not enumerated in Appendix A shall, in the sole discretion of the Township, be based upon the most similar use enumerated in Appendix A.

(126) **Upset.** An exceptional incident in which there is unintentional and temporary non-compliance with Categorical Pretreatment Standards because of facts beyond the reasonable control of the Nondomestic User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(127) **User.** A recipient of services provided by the Public System including Structures in Which Sanitary Sewage Originates which are connected to and discharge Sewage into the Public Sewer System.

(128) **User Charge.** A charge charged to Users of the Public Sewer System for use of the Public Sewer System and the Sewage Treatment Facility, and represents (a) that User's proportionate share of the cost of Cost of Operation and Maintenance of the System and the Sewage Treatment Facility; and (b) the benefit to that User derived from the availability and use of the System and the Sewage Treatment Facility. The User Charge may include a debt service component, as necessary, to pay all or a portion of the principal, interest and administrative cost of retiring Public Sewer System indebtedness. For Users connected to the Public Water System, the User Charge shall be the total of the Readiness to Serve Charge and the Commodity Charge. For Users not connected to the Public Water System and whose water is not metered by a water meter, the User Charge shall be based on Units.

(129) **User Surcharge.** A Surcharge imposed on a User of the Public Sewer System for discharges of Sewage that are in excess of Normal Strength Sewage.

(130) **Utilities Committee.** The committee of the Township established to review and consider, on a non-binding advisory basis, matters related to the Public Sewer System and the Public Water System.

(131) **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

(132) **Wastewater Discharge Permit.** A written permit issued by the Township to Nondomestic Users of the POTW in accordance with Section 613.

(133) **Wastewater Discharge Permit Fee.** The amount charged to an applicant for a Wastewater Discharge Permit to cover the cost of receiving and reviewing the information required by Section 612 and the issuance of a Wastewater Discharge Permit, and related administrative expenses.

**Section 202. Abbreviations.** The following abbreviations shall have the designated meanings:

- (1) **Ag.** Silver.
- (2) **Al.** Aluminum.
- (3) **As.** Arsenic.
- (4) **Be.** Beryllium.
- (5) **BMP.** Best Management Practice.
- (6) **BOD.** Biochemical Oxygen Demand.
- (7) **Cd.** Cadmium.

- (8) **CFR.** Code of Federal Regulations.
- (9) **CN.** Cyanide.
- (10) **COD.** Chemical Oxygen Demand.
- (11) **Cr.** Chromium.
- (12) **Cu.** Copper.
- (13) **CWA.** Clean Water Act.
- (14) **DEQ or MDEQ.** Michigan Department of Environmental Quality or its successor state agency.
- (15) **EPA.** U.S. Environmental Protection Agency.
- (16) **Fe.** Iron.
- (17) **gpd.** Gallons per day.
- (18) **Hg.** Mercury.
- (19) **IPP.** Industrial Pretreatment Program.
- (20) **l.** Liter.
- (21) **MDOT.** Michigan Department of Transportation or its successor state agency.
- (22) **MG.** Million gallons
- (23) **mg.** Milligrams.
- (24) **mg/l.** Milligrams per liter.
- (25) **Mn.** Manganese.
- (26) **NA.** Sodium.
- (27) **Ni.** Nickel.
- (28) **NPDES.** National Pollutant Discharge Elimination System.
- (29) **O&M.** Operation and Maintenance.
- (30) **Pb.** Lead.
- (31) **PCB.** Polychlorinated biphenyls.

(32) **pH.** The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter. A measure of relative acidity (pH less than 7) or alkalinity (pH greater than 7) of the solution tested. A neutral solution has a pH of 7.

(33) **POTW.** Publicly Owned Treatment Works.

(34) **Ppb.** Parts per billion.

(35) **Ppm.** Parts per million.

(36) **RCRA.** Resource Conservation and Recovery Act, 42 USC §6901 et seq.

(37) **Se.** Selenium.

(38) **SIC.** Standard Industrial Classification, a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended, or its successor publication.

(39) **SS.** Suspended Solids.

(40) **SWDA.** Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

(41) **TSS.** Total Suspended Solids.

(42) **TTO.** Total Toxic Organics.

(43) **ug.** Micrograms.

(44) **U.S.C..** United States Code.

(45) **Zn.** Zinc.

### **ARTICLE 3 USE OF PUBLIC SEWER SYSTEM REQUIRED**

**Section 301. Discharge of Sewage.** No Person shall discharge to any Natural Outlet within the Service District any Sewage or other polluted waters except where suitable treatment has been provided in accordance with standards established by the MDEQ, U.S. EPA and this Ordinance.

**Section 302. Private Sewage Disposal Facility.** Except as provided in this Ordinance, no Person shall construct or maintain in the Service District any Private Sewage Disposal Facility. Any Person owning property connected to the Public Sewer System shall provide for the proper abandonment or destruction of any existing Private Sewage Disposal Facility.

**Section 303. Mandatory Connection to Public Sewer System.** All owners of Structures in which Sanitary Sewage Originates, now situated or hereafter constructed within the Service District, are hereby required at their expense to install suitable plumbing fixtures and connect such facilities directly with the Available Public Sanitary Sewer System, in accordance with the provisions of this Ordinance. The Township shall require all such owners, pursuant to

the authority conferred upon the Township by law or ordinance, to make such installations or connections which must have the approval (during and after construction) of the Inspector.

**Section 304. Connection Deadline; Penalty.** As a matter of public health, safety and welfare, all connections to the Public Sewer System required hereunder, shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage Originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the Public Sewer System within such ninety (90) day period shall, in addition to all other costs, fines and damages available in Section 305, be liable for a civil penalty equal in amount to the User Charges and Debt Service Charges applicable to the number of Units assigned to the Premises, that would have accrued and been payable had the connection been made as required.

**Section 305. Enforcement in the Event of a Failure to Connect.** In the event a required connection to the Public Sewer System is not made within the time provided by Section 304, the Township shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sanitary Sewer System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township may bring an action in any manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Available Public Sanitary Sewer System.

**Section 306. Voluntary Connection.**

a. An owner of property located in the Service District but not required to connect to the Available Public Sanitary Sewer System may voluntarily apply to have the property connected to the Public Sewer System at any time in compliance with the terms of this ordinance.

b. A Pressure Sewer or Force Main does not constitute an Available Public Sanitary Sewer System. A Structure in which Sanitary Sewage Originates may only be connected to a Pressure Sewer or Force Main upon the prior consent of the Township. The consent of the Township shall be based on whether a Service Connection can be connected to the Pressure Sewer or Force Main without impairing the physical integrity or proper function of the Public Sewer System, the requirements set forth in Section 503 and such other factors as the Township, in its sole discretion, determines to be relevant and consistent with this Ordinance.

**Section 307. Extensions of Public Sewer System to Service New Developments.**

a. The owner of Premises located within the Service District but not served by an Available Public Sanitary Sewer System may elect to extend the Public Sewer System and connect his Premises thereto, subject to the conditions for sewer extensions set forth in Section 308 and Section 309.

b. The owner (or developer) of lands in the Township proposed for development (whether by site condominium, subdivision, land division or otherwise) for which land use approval is received after the effective date of this Ordinance, shall be required to extend

the Public Sewer System and connect the Premises so developed to the Public Sewer System subject to the conditions for sewer extensions set forth in Section 308 and Section 309 if the distance measured in feet from the nearest edge of the proposed development to the nearest point of the Public Sewer System when divided by the number of Units proposed for the development equals one hundred feet or less. This subsection 307(b) shall not apply to lands improved by one single family residence located adjacent to the then existing terminus of the Public Sewer System.

c. The owner of a Premises located within the Service District and served by an Available Public Sanitary Sewer System who legally divides the Premises shall be required to extend the Public Sewer System such that all resulting divisions of the parent parcel are served by an Available Public Sanitary Sewer System.

**Section 308. Connection of Premises Located Outside the Service District.** Premises located outside the Service District shall be permitted to connect to the Public Sewer System only upon the consent of the Township Board. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and shall be based upon the continued availability of capacity in the Public Sewer System for Premises located within the Service District and may be based upon such other considerations deemed appropriate by the Township Board and consistent with this Ordinance. To the extent an extension of the Public Sewer System is required, the conditions set forth in Section 309 shall apply. In its discretion, the Township Board may require the person requesting the connection of Premises located outside the Service District to provide, at the sole expense of said person, an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed sewer service (and any sewer extension necessitated thereby) in the context of the foregoing considerations.

**Section 309. Conditions for Extension of Public Sewer System by Property Owner.** If connection to the Public Sewer System is required by Section 307(b) of this Ordinance, but there is no Available Public Sanitary Sewer System adjacent to the Premises, or if a property owner elects to extend the Public Sewer System, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Township and the property owner pursuant to Section 310:

a. The Development System to be extended by the property owner (or Developer) shall be extended to the Premises in a public right of way, or in an easement owned by the public to the Premises in question. If the Development System is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the Development System shall be extended throughout such new road so that the Development System abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right of way.

b. If the Development System is extended to a Premises, the Development System shall be installed across the entire frontage of the Premises served, to the border of the adjacent Premises. For developments for which a new public or private road is constructed, the Development System shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all



lots or units within the development. All Development System extensions shall be located within an easement dedicated to the public, if not located in a public street right of way.

c. The Development System shall be constructed in accordance with specifications approved by the Township.

d. Upon completion of the Development System, verification by the Inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers), the Development System shall be dedicated to the Township, without cost to the Township. Upon acceptance of the dedication in the discretion of the Township, the Township shall thereafter be responsible for maintenance of the Development System and the Development System shall become part of the Public Sewer System. The Township shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.

e. The Person responsible for installing the Development System shall also reimburse the Township for the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The Person responsible for installing the Development System shall pay an amount to the Township, in advance, at least equal to the estimated fees for such acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any Premises is permitted.

f. The entire cost of installation of the Development System, including but not limited to engineering, legal, financing, construction, permits and restoration shall be paid by the owner or owners of the Premises to whom sewer is being extended.

g. In addition to the extension of a Development System as required, the owner of Premises to be connected to the Public Sewer System shall reimburse the Township for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the Premises or by a development which will be provided with service by the Public Sewer System, including but not limited to increasing the size of downstream sewer mains and related facilities to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the Sewage Treatment Facility. In such a situation, the responsible party and the Township shall enter into an agreement whereby the responsible party pays to the Township, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any Premises is permitted.

h. In its discretion, the Township Board may require the Person requesting the extension or required to construct an extension to provide at the sole expense of said Person an engineering report by a consulting engineer acceptable to the Township addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.

**Section 310. Sewer Extension Agreements.** The Township shall have the authority to negotiate agreements for sewer extensions with landowners, developers, municipalities and other persons, which agreements shall be subject to the approval of the Township and may take into

consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 10 years and similar matters.

#### **ARTICLE 4 PRIVATE SEWAGE DISPOSAL**

**Section 401. Private Sewage Disposal Facility.** If a Public Sewer System is not available to a Premises located in the Service District in accordance with the provisions of Article III, the Building Sewer shall be connected to Private Sewage Disposal Facility constructed in compliance with requirements of the Health Department and the MDEQ.

**Section 402. Operation and Maintenance.** The owner shall operate and maintain the Private Sewage Disposal Facility in an efficient and sanitary manner at all times, at no expense to the Township.

**Section 403. Governmental Requirements.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the MDEQ or any other governmental agency with jurisdiction over the Service District.

**Section 404. Connection to Public Sewer System; Abandonment.** At such time as the Public Sewer System becomes an Available Public Sanitary Sewer System capable of serving a Premises previously served by a Private Sewage Disposal Facility, as provided in accordance with Article III, the Building Sewer shall be connected to the Public Sewer System in accordance with the requirements set forth in Article III and the Private Sewage Disposal Facility shall be abandoned for sanitary use in the manner required by the Health Department.

**Section 405. 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 5 BUILDING SEWERS AND CONNECTIONS**

**Section 501. Permit Requirement.** No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the Public Sewer System or existing connections thereto without first obtaining a written permit from the Township in accordance with Section 502.

**Section 502. Permit Application.** A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon written authorization and a connection permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township and shall be accompanied by payment of the applicable Connection Fee determined in accordance with Section 703, any civil penalty which has accrued pursuant to Section 304 above and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Township.

**Section 503. Approval of Permit Application.** The approval of a connection permit application by the Township shall be subject to:

a. compliance with all terms of this Ordinance, including, without limitation, Section 502, above, the applicable plumbing code, and the rules and regulations of the Health Department and the MDEQ,

b. the availability of capacity in the Public Sewer System and the Sewage Treatment Facility for the use proposed by the permit application, including Compatible Pollutant capacity,

c. compliance of the plans and specifications for connection with the following standards for construction:

(1) The design, installation and connection of the Building Sewer and the Service Connection shall meet the specifications approved from time to time by the Township and on file for public inspection at the Township offices. The Sewer Lead shall not be less than six (6) inches in diameter and not less than 1 1/4 inches in diameter for a Grinder Pump System and a larger diameter may be required by the Township based upon the length of run or grade of the Sewer Lead.

(2) The Building Sewer shall not be less than four (4) inches in diameter for a Gravity Flow Sewer and not less than 1 1/4 inches in diameter for a Pressure Sewer, each of which discharge to the Service Connection, and is subject to inspection by the Inspector at the time of connection to the Service Connection. In the event such inspection reveals a deficiency or non-conformity in the Building Sewer, the connection of the Building Sewer to the Service Connection shall not be completed or approved until the owner has corrected the said deficiency or non-conformity to the satisfaction of the Inspector.

(3) Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot and insulated, sloping towards the Sewer Lead.

(4) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage carried by the Building Drain shall be lifted by means acceptable to the Township and discharged to the Service Connection. However, operation and maintenance of all interior lift pumps and injectors shall be the responsibility of the property owner.

(5) Where the Public Sewer System is more than twelve (12) feet deep measured from established street grade, a riser may be constructed on the Service Connection using methods and materials approved by the Township.

(6) All joints and connections shall be made gas-tight and water-tight.

(7) A separate and independent Building Sewer shall be provided for every building. Where, however, one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer upon application to and approval by the Township. Other exceptions may be allowed only by special permission granted by the Township Board acting as the Board of Appeals in accordance with Article IX of this Ordinance.

(8) The connection of the Service Connection to the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location.

(9) 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 Township may make the necessary repairs and charge the total cost against the Person responsible for the same as a Miscellaneous User Fee. No backfill shall be placed until the connection of the Building Sewer to the Service Connection has been inspected and approved by the Inspector.

(10) 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 Township 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 Township shall have the right to cause the same to be refilled and the expense shall be charged against the Person, or owner responsible therefore, as a Miscellaneous User Fee.

(11) 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) PVC ASTM D3034, SDR 35, ASTM D3212 joint, or (d) cast iron pipe, ASTM A74-72. 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 Inspector and the connection shall be made by saddle device approved by the Township. 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.

(12) Connection of the Building Sewer to the Service Connection shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township. Any deviation from the prescribed procedures and materials must be approved by the Inspector.

**Section 504. On-Lot Easement Requirements.** Prior to the approval and issuance of a connection permit for a Grinder Pump System, the applicant will be requested to have executed by the property owner(s) of record for the premises to be connected, an easement in a form provided

by the Township granting permission to the Township to install, construct, operate, maintain, repair and replace the Service Connection to be installed on the premises.

a. If the applicant provides such easement, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with Section 511, below.

b. If the applicant, for any reason, declines to provide said easement, then the permit shall be issued in the discretion of the Township, together with an appropriate bill of sale conveying from the Township to the property owner title to all components comprising the Service Connection. Following installation of the Service Connection by the property owner (which installation is subject to inspection by the Inspector in accordance with the terms of this Ordinance), the property owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection in accordance with Section 512, below.

c. A property owner or his or her successor may, at any time following the installation of a Service Connection on a premises for which no easement was provided to the Township prior to the issuance of a permit, grant the appropriate easement to the Township. The Township may accept said easement and assume the responsibility for repair, operation, maintenance and replacement provided that the Inspector has inspected the Service Connection and is satisfied that the Service Connection is in good working order, reasonable wear and tear excepted.

In the event such inspection reveals that the Service Connection has not been properly maintained or that the condition of the Service Connection has deteriorated beyond reasonable wear and tear, the Township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the Service Connection upon

(1) appropriate repairs of the Service Connection at the expense of the property owner,

(2) replacement of the Service Connection or individual components thereof at the expense of the property owner or

(3) such other conditions as the Township, in the exercise of its reasonable judgment, deems appropriate.

The acceptance of the easement by the Township shall be accompanied by an executed Bill of Sale by the property owner conveying the Service Connection to the Township.

d. This Section 504 shall not apply if the Service Connection is a Gravity System.

**Section 505. Excavations, Pipe Laying and Backfill.** All excavations, pipe laying and backfill required for the installation of Building Sewers and Service Connection shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Inspector.

**Section 506. Connection of Building Sewer.** The connection of the Building Sewer to the Public Sewer System shall be made at the Service Connection and shall be inspected and approved by the Inspector.

**Section 507. Connection of Certain Drains is Prohibited.** No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, sump pumps, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System.

**Section 508. Public Safety Requirements; Restoration.** All excavations for Building Sewer installation and connection to the Public Sewer System shall be adequately guarded with barricades and lights so as to protect the public from hazard. 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 Township. All barricading shall be done in accordance with the requirements of the Wexford County Road Commission or MDOT, as the case may be. In case of the failure to properly barricade or light such excavations or trenches, the County Road Commission or MDOT, as the case may be, 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. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township, the County Road Commission, MDOT and all other governmental entities having jurisdiction.

**Section 509. Cost of Installation of Building Sewer and Connection to Public Sewer; Authorized Persons; Indemnification.** All costs and expenses incidental to the installation of the Building Sewer, the connection of the Building Sewer to the Service Connection and the connection of the Service Connection to the Public Sewer System sewer main shall be borne by the owner of the property being connected. Any Person is authorized to install a Building Drain, Building Sewer and Service Connection and the connection of the Building Drain to the Building Sewer, subject to applicable building and plumbing codes and inspection in accordance with Section 510. Only an authorized contractor or plumber licensed by the Township in accordance with Section 513 may connect the Building Sewer to the Service Connection or connect the Service Connection to the Public Sewer System sewer main, subject to the requirements of this Ordinance, including inspection in accordance with Section 510. No such work shall be commenced before such owner obtains any necessary permission to work in the public right of way from the County Road Commission or MDOT, as the case may be. Said owner shall indemnify the Township from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Service Connection and the installation and connection of the Service Connection to the Public Sewer System.

**Section 510. Inspection.** A connection permittee shall notify the Inspector when the Building Sewer and Service Connection are ready for inspection. The excavation shall be left open until inspection is complete. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of the permit and this Ordinance, a sewer connection approval shall be issued and the Building Sewer shall then be connected with the Service Connection under the observation of the Inspector. The inspection

shall include the installation of all required components of the Service Connection, including without limitation, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the Private Sewage Disposal Facility in the manner required by the Health Department.

**Section 511. Township's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacement of the Public Sewer System, as well as each Service Connection shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous User Fee in accordance with Section 705, below.

**Section 512. Property Owner's Responsibility for Repairs, Operation and Maintenance.** The cost of all repairs, operation, maintenance and replacements of Building Drains, Building Sewers and the connection of the Building Sewer to the Service Connection shall be borne by the property owner. If the property owner has not granted an easement to the Township to maintain the Service Connection which is a Grinder Pump System, then the cost of all repairs, operation, maintenance and replacement of the Service Connection shall also be borne by the property owner.

**Section 513. Contractor Requirements.** Any Person desiring to construct a Service Connection or connect a Building Sewer to a Service Connection or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must secure an annual license from the Township. The license shall be issued on the basis of the Township's fiscal year. The Person applying for such license shall pay a license fee of \$50 and execute unto the Township and deposit with the Township, a cash bond or irrevocable letter of credit in the sum of \$5,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules codes, and regulations established under the authority of the Township pertaining to sewers and plumbing. This bond shall state that the Person will indemnify and save harmless the Township and the owner of the Premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with the Service Connection installation and/or connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year, except that, upon such expiration, the bond shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide to the Township, evidence of public liability insurance insuring the interests of the Township, the property owner, and all Persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) Person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages.

## **ARTICLE 6 USE OF THE PUBLIC SEWER SYSTEM AND INDUSTRIAL PRETREATMENT**

**Section 601. Prohibited Discharge of Storm Water.** No Person shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, roof runoff, subsurface drainage, unpolluted Cooling Water or unpolluted industrial process waters to the Public Sewer System. Any Premises connected to a Storm Sewer shall comply with county, state and federal requirements as well as those of the Township.

**Section 602. Permissible Discharge of Storm Water.** Unpolluted water, storm water and all other unpolluted drain water shall be discharged to the ground surface, to a Natural Outlet or to a Storm Sewer or Storm Drain in accordance with applicable state and federal regulations.

**Section 603. Prohibited Discharges to Public Sewer System.**

a. No Person or User shall introduce or cause to be introduced, into the POTW directly or indirectly, any Pollutant or Sewage which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to the Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or Pretreatment Requirements.

b. No Person or User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, Wastewater or Prohibited Discharges:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius, using the test methods specified in 40 CFR 261.21, or be injurious in any other way to the Public Sewer System or the Sewage Treatment Facility or to the operation of the Public Sewer System or the Sewage Treatment Facility. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other Interference with the operation of the Public Sewer System or the Sewage Treatment Facility such as, but not limited to: grease, garbage that is not Properly Shredded Garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any Wastewater having a pH of less than five, or other than that range established by the NPDES Discharge Permit, or any Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Sewage Works. In any event, a minimum pH of five is necessary in order to comply with 40 CFR 403.5.

(4) Any Pollutant, including oxygen demanding Pollutants released in a discharge at a flow rate and/or Pollutant concentration which will cause Interference with the POTW.

(5) Any Sewage containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the Receiving Waters of the Sewage Treatment Facility, or exceed the limitation set forth in a Categorical Pretreatment Standard or any other applicable federal, State or local standards.



(6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard or to prevent entry into the sewers for maintenance and repair.

(7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Pollutants including, without limitation, petroleum oil, non-biodegradable cutting oil or products of a mineral oil origin, in amounts that will cause Interference or Pass Through.

(9) Any substance which may cause the Public Sewer System or Sewage Treatment Facility effluent or any other product thereof such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(10) Any substance which, alone or in conjunction with a discharge or other discharges, causes Pass Through.

(11) Any substance which will cause the Sewage Treatment Facility to violate its NPDES Permit or the Receiving Water quality standards.

(12) Any Sewage with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(13) Any Sewage having a temperature which will inhibit biological activity in the Public Sewer System or the Sewage Treatment Facility resulting in Interference. Wastewater with a temperature at the introduction into the Sewage Works which exceeds 40 degrees Celsius or 104 degrees Fahrenheit or is lower than zero degrees Celsius or 32 degrees Fahrenheit is prohibited.

(14) Any slugload.

(15) Any Sewage containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.

(16) Any Sewage which causes a hazard to human life, any hazardous situation or creates a public nuisance.

(17) Any unpolluted water including, but not limited to, non-contact Cooling Water.

(18) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the Pretreatment of Sewage or air pollutants.

(19) Any trucked or hauled Pollutants except at discharge points designated by the POTW.

(20) Medical Wastes, except as authorized by a Wastewater Discharge Permit.

Upon the promulgation of the Categorical Pretreatment Standards for a particular industry subcategory, the applicable Pretreatment Standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance and the Township shall notify all affected Users of the applicable reporting requirements.

**Section 604. NPDES Permit Limitations.**

a. No Person shall discharge or cause to be discharged into the Public Sewer System any Sewage which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the NPDES Permit issued for operation of the System.

b. Wastewater discharges shall be expressly subject to all provisions of this Article and all other applicable regulations and the Sewer Rates and Charges established by the Township Board. In addition, the Township may:

(1) Limit the average and maximum Wastewater constituents and characteristics;

(2) Limit the average and maximum rate and time of discharge and make requirements for flow regulations and equalization;

(3) Require the installation and maintenance of inspection and sampling facilities;

(4) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(5) Establish Compliance Schedules;

(6) Require submission of technical reports or discharge reports;

(7) Require the maintaining, retaining and furnishing of plant records relating to Wastewater discharge as specified by the Township and affording Township access thereto and copying thereof;

(8) Require notification to the Township of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Public Sewer System;

(9) Require notification of Slug discharges; and

(10) Require other conditions as deemed appropriate by the Township to ensure compliance with this article.

**Section 605. Discharge Limit Standards.** Maximum concentrations and parameters for the following constituents and characteristics of Sewage or Wastewater are established as follows, subject to modification, in a Schedule of Compatible Pollutants adopted from time to time by resolution of the Township Board:

<b>Material</b>	<b>Composite Limit (mg/l)</b>
Ammonia	54
Arsenic	0.058
BOD <sub>5</sub>	566
Barium	1.885
Cadmium	0.102
Chromium	5.95
COD	700
Copper	0.170
Cyanide	0.029 (grab)
Lead	6.25
Mercury	0.00001
Molybdenum	17.07
Nickel	5.97
Fats, Oil and Grease	100
Phosphorus (total)	8
Selenium	3.413
Silver	0.0396
Total Suspended Solids	250
Zinc	1.063
pH	6.5-9.0 (grab)
Temperature	32 – 104 deg F (grab)

In addition, the maximum parameters set forth in Section 603(a)(13) are subject to modification in the Schedule of Compatible Pollutants adopted from time to time by resolution of the Township Board.

**Section 606. Remedies; Pretreatment.** If any Sewage is discharged, or is proposed to be discharged to the Public Sewer System, and such Sewage contains the substances or possesses the characteristics enumerated in Section 603 or Section 604, and which in the judgment of the Township may have a harmful effect upon the Public Sewer System or Sewage Treatment Facility, or Receiving Waters, or which otherwise create a hazard to life or constitute a public nuisance, or jeopardize the integrity of the Public Sewer System, the Township may take the actions necessary to:

- a. Effect a cease and desist of the discharge of the Sewage to the Public Sewer System.
- b. Reject the Sewage.

c. Require Pretreatment of the Sewage to an acceptable condition prior to discharge to the Public Sewer System.

d. Require control over the quantities and rates of discharge.

e. Require periodic monitoring and/or sampling (using a Composite Sample) and periodic reporting to the Township of the characteristics of the Sewage discharged by the User at such times and in the manner required by the Township.

f. Require payment of a User Surcharge to cover the added cost of handling and treating the Sewage pursuant to Sections 702(f) and 704 hereof.

g. Discontinue service to a User, if the Township determines that discontinuance of service to the User is necessary to protect the integrity of the Public Sewer System. The Township may authorize restoration of service to the affected User when the Township determines that the threat to the Public Sewer System no longer exists and that the cause or events resulting in the related violation will not recur.

Any Nondomestic User which discharges Industrial Wastes to the System shall pretreat or limit the discharge to conform to standards set forth in 40 CFR 403 (Pretreatment) or any applicable more stringent state or local rules, regulations or standards.

**Section 607. Special Arrangements; Surcharge.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any User whereby Sewage of unusual strength or character may be accepted by the Township for treatment, and the payment of a User Surcharge by the User, provided such Sewage will not damage the Public Sewer System, the Sewage Treatment Facility or the Receiving Waters.

**Section 608. Grease, Oil and Sand Interceptors.** Grease, oil, and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual User and at no cost to the other Users of the System when determined by the Township to be necessary for the proper handling of Sewage containing ingredients described in Section 603. As a general rule, all restaurants and similar facilities shall be required to install a standard grease trap. All interceptors shall be

a. of the type and capacity prescribed by the Township,

b. located so as to be readily and easily accessible for cleaning and inspection,

c. constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and

d. of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Interceptors shall not be required for residential Users.

**Section 609. Control Manhole.** All new Nondomestic Users and existing Nondomestic Users that have been determined by the Township to require monitoring, or who will be subject to

a Wastewater Discharge Permit, shall install a suitable Control Manhole upstream from the connection to the Public Sewer System. The purpose of this Control Manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. The Control Manhole shall be at the property line or in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Township engineer. Installation of the Control Manhole, sampling equipment and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the Control Manhole and appurtenances in a safe, accessible and operable manner at all times at the owner's expense.

**Section 610. Testing of Industrial Wastes.** All measurements, tests, and analyses of characteristics of Industrial Wastes shall be conducted on Composite Samples obtained at the Control Manhole. Where no specific Control Manhole has been constructed, the Control Manhole shall be considered to be in the nearest downstream manhole in the Public Sewer System to the point at which the Building Sewer is connected. Costs for said testing may, at the discretion of the Township, be charged to the User discharging the Industrial Wastes as a Miscellaneous User Fee.

**Section 611. Test Standards.** All measurements, tests, and analyses of Sewage characteristics described in this Article shall be determined in accordance with Laboratory Determinations. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Public Sewer System and the Sewage Treatment Facility and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24-hour Composite Sample of all outfalls of a Premises is appropriate or whether Composite Samples should be taken.

**Section 612. Wastewater Discharge Permit Application.**

a. All new Nondomestic Users connecting to, or discharging to, the POTW, and all existing Nondomestic Users connected to, or discharging to, the POTW, shall complete a Wastewater discharge survey with such information as shall reasonably be required by the Township to establish whether such Nondomestic User should be classified as a Significant Industrial User or authorized Discharger and require a Wastewater Discharge Permit. If, upon review, the Township determines a Wastewater Discharge Permit may be required, the Nondomestic User shall pay a Wastewater Discharge Permit Fee in the amount set from time to time by resolution adopted by the Township Board and file a permit application which may include, but not be limited to, the following information:

- (1) Name, address and location of the Discharger;
- (2) SIC number(s);
- (3) Wastewater constituents and characteristics including, but not limited to, Toxic Pollutants as determined by bona fide chemical and biological analyses. Sampling and analyses shall be performed in accordance with Laboratory Determinations;
- (4) Time and duration of discharges;

(5) Average daily and maximum daily wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Township;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sanitary and storm drain systems, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are, or may be, discharged to the POTW;

(8) The nature and concentration of any Pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional Pretreatment is required for the Discharger to comply with this Ordinance;

(9) Where additional Pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance by an existing source, the Discharger shall enter into a consent agreement consistent with the law, and approved by the Township, with the shortest Compliance Schedule by which the Discharger will provide such additional Pretreatment and/or implementation of additional operational and maintenance activities. The compliance date for such Compliance Schedule shall not be later than the compliance date for any applicable standard. A New Source, or an expansion of an existing source, must have in place all necessary equipment to abate pollution. For a New Source this will be prior to the commencement of the discharge. For an expansion of an existing source this shall be before any additional Wastewater is introduced to the System.

(a) The Compliance Schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of the additional Pretreatment required for the Discharger to comply with the requirements of this Ordinance including, but not limited to, dates related to hiring a Michigan licensed professional engineer, completing preliminary plans, completing final plans, executing contract(s) for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.

(b) Under no circumstance shall the Township permit a time increment for any single step directed toward compliance which exceeds six (6) months.

(c) Not later than ten (10) days following each milestone date in the Compliance Schedule and the final date for compliance, the Discharger shall submit a progress report to the Township, including a statement as to whether or not the Discharger complied with the increment of progress represented by that milestone date and, if not, the date on which the Discharger expects to comply with this increment of progress, the reason for delay and the steps being taken by the Discharger to return the construction to the approved schedule.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) The type and amount of raw materials utilized;

(12) All Wastewater Discharge Permit applications shall be signed and certified by an Authorized Representative of the Discharger in accordance with Section 633, and a Michigan licensed professional engineer, where Pretreatment Facilities are required;

(13) When required by the Township, the Discharger shall provide an inspection and sampling manhole(s) or structure(s), with an opening of no less than twenty-four (24) inches diameter and an internal diameter of no less than thirty-six (36) inches containing flow measuring, recording and sampling equipment as required by the Township to assure compliance with this Ordinance; and

(14) A statement to authorize authorized representatives of the Township, MDEQ and EPA to enter and inspect the Premises of the Nondomestic User, following reasonable prior notice, and in accordance with Article 11.

b. Nondomestic Users who have previously submitted a Wastewater Discharge Permit application, as prescribed in this Section, are also required to periodically complete a wastewater discharge survey containing the same information required under subsection a. for a Wastewater Discharge Permit application, at a frequency to be determined by the Township.

c. A Nondomestic User who is not required to obtain a Wastewater Discharge Permit is still required to re-apply for a Wastewater Discharge Permit prior to a Significant Change in discharge from that shown in the original Wastewater Permit application or survey.

**Section 613. Wastewater Discharge Permit Issuance, Modification, Transfer, Renewal and Revocation.**

a. The Township will evaluate the completed application and data furnished by the Discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the Township shall make a determination as to whether the applicant is a Significant Industrial User or authorized Discharger. For every applicant, the Township shall issue or deny a Wastewater Discharge Permit subject to terms and conditions provided herein.

b. The Township shall have the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the POTW with applicable laws and regulations and prevent a violation of any NPDES limit, water quality standards or Interference with residuals management. Upon the promulgation of a federal Categorical Pretreatment Standard, the Wastewater Discharge Permit of each Significant Industrial User subject to such standards will be revised to comply with such standards. Where a Discharger, subject to a federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit, the Discharger shall apply for a Wastewater Discharge Permit from the Township within thirty (30) days after the promulgation of the applicable federal Categorical Pretreatment Standard and provide the information required. The Discharger shall be informed of any proposed changes in the Discharger's Wastewater Discharge Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a

reasonable Compliance Schedule, which does not exceed any compliance dates set by 40 CFR 403.6(b) and Rule 323.2311(3) of the Michigan Administrative Code.

c. A Wastewater Discharge Permit may be issued for up to five (5) years, subject to amendment or revocation as provided in this Ordinance.

d. Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Township and the Township approves the permit transfer. The notice to the Township must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual Wastewater Discharge Permit.

Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of facility transfer.

e. A Significant Industrial User with an expiring Wastewater Discharge Permit shall apply for the reissuance of a Wastewater Discharge Permit by submitting a complete permit application, in accordance with Section 612, a minimum of sixty (60) days prior to the expiration of the Significant Industrial User's existing Wastewater Discharge Permit.

f. The Township may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Township of Significant Changes to the Wastewater prior to the changed discharge;
- (2) Failure to provide a prior notification to the Township required by this Ordinance or the Wastewater Discharge Permit;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Township timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;



- (8) Failure to pay fines;
- (9) Failure to pay Sewer Rates and Charges;
- (10) Failure to meet Compliance Schedules;
- (11) Failure to complete, when required, a wastewater survey or a Wastewater Discharge Permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any Pretreatment Standard or Pretreatment Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

g. Individual Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a User are void upon the issuance of a new Wastewater Discharge Permit to that User.

**Section 614. Wastewater Discharge Permit Conditions.** Wastewater Discharge Permits shall specify the following:

- a. Statement of duration (not more than five (5) years) including issuance and expiration dates;
- b. Effluent limitations based on the more stringent of Categorical Pretreatment Standards, BMPs, or Local Limits as established by this Ordinance and State law;
- c. General and specific discharge prohibitions as established by this Ordinance;
- d. Requirements and specifications for monitoring programs including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- e. Requirements for collecting, retaining and providing access to plant records relating to the User's discharge and for providing entry for sampling and inspection;
- f. Requirements for notification of spills, Bypass or potential problems to the POTW including Slug loadings, Upsets or violations;
- g. Requirements to develop and implement spill and Slug control plans;
- h. Requirements for notification and approval of changes prior to discharge. The POTW shall be notified of any proposed substantial change in the volume or character of Pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Nondomestic User has submitted initial notification under 40 CFR 403.12(p) and Rule 323.2310(15) of the Michigan Administrative Code and operational shift changes of greater than four (4) hours;

- i. Special conditions as the Township may reasonably require under particular circumstances of a given discharge to ensure compliance with this Ordinance and State and Federal pretreatment standards and requirements;
- j. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- k. Statement of non-transferability;
- l. Conditions for modification or revocation of permit;
- m. Schedule of Sewer Rates and Charges;
- n. Limits on the average and maximum wastewater constituents and characteristics, including BMP: based on applicable pretreatment standards or local limits;
- o. Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- p. Requirements for installation and maintenance of inspection and sampling facilities;
- q. Compliance Schedules;
- r. Requirements for submission of special technical reports, discharge reports or certification statements. These include any reporting requirements contained in a Federal Categorical Standard or Pretreatment Requirements; and
- s. Annual inspections by the Township of the permittee's premises.

**Section 615. Confidential Information.**

- a. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User and that the information need not be disclosed in accordance with any applicable Freedom of Information Act or any other applicable law.
- b. When requested by the Person furnishing a report which might disclose trade secrets, such report shall be kept confidential to the extent permitted by law except that the report shall be made available upon written requests to governmental agencies for Users related to this article, the NPDES permit or any Pretreatment programs and it shall be available for use by the state or any state agency in judicial review or enforcement proceeding involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

c. Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten-day notification is given to the User. If any applicable state or federal law, rule or regulation conflicts with any provision of this article by requiring a greater degree of disclosure, that state or federal law, rule or regulation shall govern.

**Section 616. Self-Monitoring.** The Township may require Nondomestic Users to conduct self-monitoring. The Township shall determine the frequency of self-monitoring necessary to assess and ensure compliance by the Nondomestic User with applicable Pretreatment Standards and Pretreatment Requirements. The Township may require the Nondomestic User to provide a split of self-monitoring samples. The Township shall require appropriate reporting from Nondomestic Users required to conduct self-monitoring.

**Section 617. Nondomestic User Notification Requirements.**

a. All Nondomestic Users shall notify the POTW immediately of any accidental spills, unusual discharges, or slugloads. All Nondomestic Users shall promptly notify the POTW in advance of any substantial change in the volume or character of Pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Nondomestic User has submitted initial notification under 40 CFR, 403.12(p).

b. If self-monitoring performed by a Nondomestic User indicates a violation, the User shall notify the Township within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results to the Township within 30 days after becoming aware of the violation except the Nondomestic User is not required to resample if:

(1) The Township performs sampling of the Nondomestic User at a frequency of at least once per month; and

(2) The Township performs sampling of the Nondomestic User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

c. Hazardous waste information requirement.

(1) A Nondomestic User shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, the EPA hazardous waste number and the type of discharge: continuous, batch or other. If the Nondomestic User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Nondomestic User:

(a) An identification of the hazardous constituents contained in the waste;

(b) An estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month; and

(c) An estimation of the mass of the constituents in the waste stream expected to be discharged during the following 12 months.

(2) Nondomestic Users shall provide this notification preferably before but no later than seven days after the discharge of the listed or characteristic hazardous waste commences. Any notification under this section needs to be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to Pollutants already reported under the self-monitoring requirements in this article.

(3) Discharges are exempt from the requirements of subsections c(1) and c(2) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous waste in a calendar month or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e) requires a one-time notification. Subsequent months during which the Nondomestic User discharges more than such quantities of any hazardous waste do not require additional notification.

(4) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous wastes or listing any additional substances as hazardous wastes, the Nondomestic User must notify the POTW, the EPA Regional Waste Management Waste Division Director and the state hazardous waste authorities of the discharge of such substances within 90 days of the effective date of such regulations.

(5) In the case of any notification made under subsection c(2) of this section, the Nondomestic User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

d. At least 90 days prior to the commencement of discharge, New Sources, existing sources whose proposed discharge is not subject to Categorical Standards but has the potential to adversely affect the POTW, and existing sources that become Nondomestic Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Township a report which contains the following information:

(1) Information on the method of Pretreatment the source intends to use to meet applicable Pretreatment Standards.

(2) A list of any environmental control permits held by or for the facility.

(3) For Nondomestic Users subject to Categorical Pretreatment Standards, the User shall submit the results of sampling and analysis identifying the nature and concentration, or mass where required by standard or control authority, of regulated Pollutants in the discharge from each regulated process. Both daily maximum and average concentration or mass, where required, shall be reported. The sample shall be representative of daily operations.

(a) A minimum of four Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other Pollutants,

24-hour Composite Samples must be obtained through flow proportional composite sampling techniques where feasible.

(b) The Township may waive flow proportional sampling for any Nondomestic User that demonstrates that flow proportional sampling is not feasible. In such cases samples must be obtained through time proportional composite sampling techniques or through a minimum of four Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(c) Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed prior to Pretreatment, the User should measure the flows and concentrations necessary to allow use of the Combined Waste Stream formula.

(d) The Township may allow the submission of a baseline report which utilizes only historical data as long as the data provides information sufficient to determine the need for industrial Pretreatment measures. The baseline report shall indicate the time, date and place of sampling, and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.

(4) Average rate of production.

(5) Time and duration of contribution.

(6) Average daily and maximum Wastewater flow rates from all regulated process streams and other waste streams as necessary to allow use of the Combined Waste Stream formula, including daily, monthly and seasonal variations, if any. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(7) A Significant Industrial User must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation. For Nondomestic Users subject to Categorical Pretreatment Standards, a schematic process diagram identifying the location of points of discharge from all regulated processes as well as the Pretreatment Standards applicable to each regulated point of discharge shall also be submitted.

(8) Description of activities, facilities and plant processes on the premises including all materials or Pollutants which are or could be discharged.

(9) The User shall submit a certification statement reviewed and signed by an Authorized Representative in accordance with Section 633 indicating whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional Pretreatment is required by the Nondomestic User to meet applicable Pretreatment Standards.

(10) If additional Pretreatment or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide

such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(11) A New Source or an expansion of an existing source, must have in place all necessary equipment to abate Pollution. For a New Source this will be prior to the commencement of the discharge. For an expansion of an existing source this shall be before any additional Wastewater is introduced to the Public Sewer System.

(12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of the Pretreatment Facilities.

(13) Any other information as may be deemed by the Township to be necessary to evaluate the impact of the discharge on the Sewage Works.

### **Section 618. Pretreatment Compliance Reporting.**

a. **Compliance Date Report.** Within 90 days following the date for final compliance with applicable Pretreatment Standards or in the case of a new User, following commencement of the introduction of Wastewater into the Sewage Works, any User subject to Pretreatment Standards and Pretreatment Requirements shall submit to the Township information requested in Section 617d(3) and Section 617d(6).

(1) For Nondomestic Users subject to equivalent mass or concentration limits established by the Township in accordance with the procedures in 40 CFR 403.6, this report shall contain a reasonable measure of the User's long-term production rate.

(2) For all other Nondomestic Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the following:

(a) User's actual production during the appropriate sampling period; and

(b) Certification statement to be signed by an Authorized Representative in accordance with Section 633.

### **b. Periodic Compliance Reports.**

(1) Any User discharging into the Sewage Works shall submit to the Township semiannually, unless required more frequently in the Pretreatment Standards or by the Township, a report to include the following:

(a) Indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards; and

(b) A record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 617d(6).

(2) The reports required in this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.

(3) The Township shall require that frequency of monitoring shall be that which is necessary to assess and ensure compliance by the Nondomestic User with applicable Pretreatment Standards and Pretreatment Requirements.

(4) If a Nondomestic User subject to the reporting requirements in this section monitors any Pollutant more frequently than required by the Township, the results of this monitoring shall be included in the report.

(5) At the discretion of the Township, the Supervisor may alter the months during which the above reports are to be submitted.

(6) This report shall include the certification statement and shall be signed by an Authorized Representative in accordance with Section 633.

(7) Where the POTW itself collects all the information required for the report, the non-categorical Significant Industrial User will not be required to submit the report.

(8) The Township may also impose mass limitations on Users using dilution to meet applicable Pretreatment Standards or Pretreatment Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases the report required by subsection b(1) of this section shall also indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the User.

### **Section 619. National Categorical Pretreatment Standards.**

a. Upon the promulgation of any National Categorical Pretreatment Standards, alternative discharge limits or other federal or state limitations, for a particular industrial subcategory, the Pretreatment Standards, if more stringent than limitations imposed under this article for uses in that subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article.

b. Compliance by existing sources with Categorical Pretreatment Standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct discharges with NPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set in any applicable Categorical Pretreatment Standard.

c. Existing sources which become Nondomestic Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered existing Nondomestic Users except where such sources meet the definition of a New Source.

d. New Sources shall install, have in operating condition and shall start-up all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time, not to exceed 90 days, New Sources must meet all applicable Pretreatment Standards.

e. The Township shall notify all affected Users of the applicable reporting requirements.

**Section 620. Equivalent Mass and Concentration Limits.**

a. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Township may convert the limits to equivalent limitation expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Nondomestic Users.

b. The Township shall calculate equivalent mass-per-day limitations and equivalent concentration limitations in accordance with 40 CFR 403.6(c)(2) – (4) and 40 CFR 403.6(c)(6), (7). Equivalent limitations calculated in accordance with these sections shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act and this Article.

(1) Nondomestic Users will be required to comply with the equivalent limitations in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.

(2) Any Nondomestic User operating under a Wastewater Discharge Permit incorporating equivalent mass of concentration limits calculated from a production based standard, shall notify the Township within two business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month.

(3) Any User not notifying the Township of such anticipated change will be required to meet the mass or concentration limits in its Wastewater Discharge Permit that were based on the original estimate of the long-term average production rate.

**Section 621. Net/Gross Calculation.** Categorical Pretreatment Standards may be adjusted to reflect the presence of Pollutants in the Nondomestic User’s intake water in accordance with 40 CFR 403.15.

**Section 622. Discharge Modifications.** Within six months of the promulgation or revision of any applicable Pretreatment Standard, all affected Users must submit to the Township the information required by Section 617d(7), Section 617d(8) and Section 617d(13).

**Section 623. State Requirements.** State requirements or limitations on discharges shall apply whenever they are more stringent than National Categorical Pretreatment Standards or limitations provided in this article. State and national requirements are not subject to any appeal procedure.

**Section 624. Pretreatment.**

a. Nondomestic Users shall provide necessary Wastewater treatment as required to comply with this Article and shall achieve compliance with all Pretreatment Standards within the time limitations specified by the federal pretreatment regulations, state regulations and as required by the Township.



b. All Pretreatment Facilities required to pretreat Wastewater shall be provided, operated and maintained continuously in satisfactory and effective operation by the owner at no expense to the Township.

(1) Detailed plans showing the Pretreatment Facilities and operating procedures shall be submitted to and approved by the Township before construction of the facility.

(2) 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 under the provisions of the article.

(3) Any subsequent changes in the Pretreatment Facilities or method of operation shall be reported to and be accepted by the Township prior to the User's initiation of the changes.

c. No construction of Pretreatment Facilities or equalization facilities shall take place until all required approvals are obtained in writing, and copies of said approvals are forwarded to the Township.

**Section 625. Pretreatment Facilities Construction.** When Pretreatment Facilities are necessary to comply with Wastewater Discharge Permit limitations, Nondomestic Users shall initiate construction of the Pretreatment Facilities within six months and complete construction within 18 months from the date of notice of non-compliance by the Township.

**Section 626. Excessive Discharge; Dilution.** No User shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, Alternative Discharge Limits or in any other Pollutant-specific limitation adopted by the Township or state.

**Section 627. Accidental and Slugload Discharges Generally.**

a. Accidental discharge shall also include any discharge where such discharge has the possibility of entering into any waters of the State.

b. When required by the Township, a User shall provide protection from slugload discharges or accidental discharges of prohibited or other material substances regulated by this article. If necessary, the Township may require the User to implement procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of material, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

c. Facilities to prevent slugload discharges or accidental discharges of prohibited material shall be provided and maintained at the User's cost and expense.

(1) Detailed information and plans showing facilities and operating procedures to provide this protection, including descriptions of discharge practices and stored

chemicals, shall be submitted to the Township for review and approval by the Township before construction.

(2) All Users shall complete construction of required facilities within the time period specified by the Township.

(3) New Users shall not be permitted to introduce Pollutants into the Sewage Works until approved accidental discharge facilities have been constructed.

(4) Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the facility as necessary to meet the requirements of this article.

### **Section 628. Accidental and Slugload Discharges Notification.**

a. **Immediate Notification of Supervisor.** In the case of a slugload discharge or an accidental discharge, it is the responsibility of the User to notify immediately the Township and the POTW of the incident. The notification shall include the following:

- (1) Location of discharge;
- (2) Type of waste;
- (3) Concentration and volume; and
- (4) Corrective actions.

b. **Written Notice.** Within five working days following a slugload or accidental discharge, the User shall submit to the Township a detailed written report describing the case of the discharge and the measures to be taken by the User to correct the situation and to prevent similar future occurrences. Such notification shall not relieve the User of any expense, penalty, loss, damage or other liability which may be incurred as a result of damage to the Sewage Works treatment process, nor any other damage or injury to person or property; nor shall such notification relieve the User of any fines, civil or other liability which may be imposed by this article or other applicable law.

c. **Notice to Employees.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of persons to notify in the event of an accidental discharge. Employers shall advise all employees who may cause or suffer such a dangerous discharge to occur, of the emergency notification procedure.

### **Section 629. Upset Discharges.**

a. Any Discharger experiencing an Upset in operations which places the Discharger in a temporary state of noncompliance with this Ordinance, or a Wastewater Discharge Permit issued pursuant hereto, shall inform the Township Supervisor immediately upon becoming aware of the Upset. The Township Supervisor shall make a determination whether this discharge can continue. Upon the Township Supervisor allowing the discharge to continue, a written follow-

up report thereof shall be filed by the Discharger with the Township Supervisor within five (5) days. The report shall include:

(1) A description of the Upset, the cause thereof and the Upset's impact on a Discharger's compliance status;

(2) The duration of noncompliance, including exact dates and time of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur; and

(3) All steps taken, or to be taken, to reduce, eliminate and prevent recurrence of such Upset or other conditions of noncompliance.

b. A documented and verified operating Upset shall be an affirmative defense to any Enforcement Action brought by the Township against a Discharger for any noncompliance with this Ordinance or any Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the Upset. It will not, however, be a defense to an action for damages to the POTW or to persons, property or natural resources caused by the Upset. An Upset will be considered "documented and bona fide" only if the Discharger complies with subsection a, and with 40 CFR 403.16(c) and Michigan Administrative Code Rule 323.2315.

c. A Nondomestic User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the Nondomestic User can identify the cause of the Upset.

(2) The facility was at the time being operated in a prudent and appropriate manner and in compliance with applicable operation and maintenance procedures.

(3) The Nondomestic User has submitted the following information to the Township within 24 hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five days.

(a) A description of the indirect discharge and cause of non-compliance.

(b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue.

(c) Steps being taken or planned to be taken to reduce, eliminate and prevent recurrence of the non-compliance.

d. In any enforcement proceeding the Nondomestic User seeking to establish the occurrence of any Upset shall have the burden of proof.

e. In the usual exercise of prosecutorial discretion, the Township enforcement personnel should review any claims that non-compliance was caused by an Upset. No

determination made in the course of the review constitutes final Township action subject to judicial review. Nondomestic Users will have the opportunity for a judicial determination on any claim of Upset only in an Enforcement Action brought for non-compliance with Categorical Pretreatment Standards.

f. The Nondomestic User shall control production for all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss or failure of its Pretreatment Facility until the Pretreatment Facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the Pretreatment Facility is reduced, lost or fails.

### **Section 630. Bypass.**

a. For the purpose of this section, bypass shall mean the intentional diversion of waste streams from any portion of the Nondomestic User's Pretreatment Facility needed for compliance with Pretreatment Standards.

b. A Nondomestic User may allow any bypass to occur which does not cause Pretreatment Standards or Pretreatment Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subsections (b)(1) and (c)(3) of this section.

(1) If a Nondomestic User knows in advance of the need for a bypass, it shall submit prior notice to the Township if possible, at least ten days before the date of the bypass.

(a) A Nondomestic User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Township within 24 hours from the time the Nondomestic User becomes aware of the bypass.

(b) A written submission shall also be provided within five days of bypass.

1) The written submission shall contain a description of the bypass and its cause;

2) Exact dates and times;

3) Steps taken or planned to reduce, eliminate and prevent a reoccurrence of the bypass; and

4) If the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(2) The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the start of the discharge.

c. Bypass is prohibited and the Township may take enforcement action against a Nondomestic User for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. Severe property damage shall mean substantial physical damage to property, damage to the Pretreatment Facilities which causes them to become inoperable or a substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

(2) There was no feasible alternative to the bypass, such as the use of auxiliary Pretreatment Facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and

(3) The Nondomestic User submitted notices as required under subsection (b)(1) of this section.

d. The Supervisor may approve an anticipated bypass, after considering its adverse effect if the Supervisor determines that it will meet the conditions listed in subsection (c) of this section.

### **Section 631. Harmful Contributions.**

a. The Township Supervisor may suspend sewer and water service when such suspension is necessary to stop an actual or threatened discharge which may present imminent substantial endangerment to the health or welfare of Persons, to the environment, cause Interference to the Sewage Works or cause the Township to violate any condition of its NPDES Permit.

b. Any Person notified of a possible suspension of water or wastewater treatment service shall immediately stop or eliminate the contribution.

c. In the event of failure of the Person to voluntarily comply with any discharge permit, the Township may take such steps as deemed necessary including immediate suspension of sewer and water service, to prevent or minimize damage to the Sewage Works or endangerment of any individuals.

d. The Township Supervisor shall reinstate the sewer and water service upon proof of the elimination of the non-complying discharge.

(1) A detailed written statement submitted by the User describing the causes of the harmful contribution; and

(2) The measures taken to prevent any future occurrence shall be submitted to the Township within 15 days of the date of occurrence.

**Section 632. Record Retention.**

a. Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years.

b. Any and all records which pertain to matters which are the subject of a notice of violation, administrative order, show cause hearing, or any other enforcement or litigation activities brought by the Township pursuant to this Article, shall be retained and preserved for five (5) years, or until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired, whichever is later.

**Section 633. Certification Statement; Falsifying Information.**

a. An application for a Wastewater Discharge Permit and all reports required by this Article shall include the following certification statement executed by an Authorized Representative:

“I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted, this document and all attachments are, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.”

b. Any Person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article, shall, upon conviction, be punished as provided in Section 635.

**Section 634. Publication of Nondomestic Users in Significant Non-compliance.** As required by federal regulation, 40 CFR 403.8(f)(2)(viii), the Township shall at least annually, and according to a schedule established by the Township as part of the enforcement response plan required as part of Section 635, publish in *The Cadillac News* or such other newspaper designated by the Township Supervisor with the largest circulation within the Township, a list of Nondomestic Users which during the previous 12 months of the Township’s fiscal year, were in Significant Non-Compliance of applicable Pretreatment Standards or other Pretreatment Requirements.

**Section 635. Enforcement; Criminal and Civil Liability; Penalties; Remedies.**

a. The Township shall develop and implement an enforcement response plan in order to deal with non-complying Nondomestic Users and Dischargers. The enforcement plan shall include procedures to identify instances of non-compliance, to respond to violations with the appropriate level of response, and to continue as necessary to follow up with higher levels of enforcement response.

b. Any Nondomestic User who is found to have violated an order of the Township, or who has failed to comply with any provision of this Ordinance (or permits issued hereunder), and the regulations or rules of the Township promulgated pursuant to this Ordinance, shall be guilty of a violation of the this Ordinance. Whenever the Township finds that any User has violated, or is violating, this Article, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Requirement, the Township Supervisor may serve upon said User a written notice of violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Township Supervisor. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Township to take any action, including Township actions or any other enforcement action, without first issuing a notice of violation.

c. In addition to any actions, charges, or penalties otherwise authorized pursuant to this Article, any person who willfully or negligently violates any provision of this Article, or of any Wastewater Discharge Permit issued pursuant hereto, or standards, rules and regulations or any order of the Township Supervisor issued pursuant to those rules and regulations or this Article, shall be:

(1) subject to the municipal civil infractions provisions of this Ordinance; and

(2) for such violations not covered by the civil infractions provisions of this Ordinance, shall, if convicted, be subject to a criminal penalty of up to five hundred (\$500) dollars per day or imprisonment for ninety (90) days or both such penalty and imprisonment.

Each act of violation and every day upon which any violation is permitted or suffered to exist, shall constitute a separate violation and shall be subject to a separate penalty. The Township Supervisor may issue a notice of violation calling for corrective action prior to issuing a citation pursuant to this Article. In the case of a conviction pursuant to this Section 635 of a Nondomestic User who is not a natural person, any officer or director of a corporation, any officer or partner of a partnership, or any member of a limited liability company, or any officer or owner of a proprietorship is hereby deemed to be a proper person to serve any term of imprisonment imposed by the court as a result of the conviction.

d. In addition to, and expressly not in lieu of the foregoing, any Discharger who willfully or negligently violates any section of this Article, or any permit issued pursuant hereto, or the standards, rules and regulations adopted pursuant to this Article, or any order of the

Township Supervisor issued pursuant to this Article, shall be subject to civil penalties, and to the payment of any damages and costs which may be awarded, by any court of competent jurisdiction.

e. In addition to any applicable State and federal penalties, any person who:

(1) At the time of a violation knew or should have known that a Pollutant or substance was discharged contrary to any provision of this Article, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Township under this Article; or

(2) Intentionally makes a false statement, representation, or certification in an application for, or form pertaining to, a permit, or in a notice, report, or record required by this Article, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this Article; or

(3) Intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Article; or

(4) Commits any other act that is punishable under state law by imprisonment for more than ninety (90) days,

shall, upon conviction, be guilty of a misdemeanor punishable by a fine of five hundred (\$500) dollars per violation, per day, or imprisonment for up to ninety (90) days, or both at the discretion of the court.

f. Any Discharger violating any of the provisions of this Article, or who willfully or negligently discharges or causes a discharge producing a deposit or obstruction, or causes personal injury or damage to or impairs the Township's POTW, shall be liable to the Township for any expense, loss or damage caused by such violation or discharge. This shall include, but not be limited to, penalties levied upon the Township by the EPA or MDEQ for violation of its NPDES Permit caused by any violation by a Discharger, including all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.

### **Section 636. Affirmative defense.**

a. A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions of this article and the specific prohibitions in subsections (2), (4), (7), (8), (10) and (12) of Section 603 where the User can demonstrate that:

(1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference.

(2) A Local Limit designed to prevent Pass Through or Interference was developed for each Pollutant in the User's discharge that cause Pass Through or Interference and the User was in compliance with each such Local Limit immediately before and during the Pass Through or Interference.



(3) A Local Limit was not applicable and immediately before and during the Pass-Through or Interference of the User's discharge did not substantially change in volume or constituents from the User's previous discharges when the POTW was regularly in compliance with its NPDES Permit and, in the case of Interference, all applicable requirements for sludge use or disposal.

**Section 637. Additional Remedies; Administrative Orders; Financial Assurance.**

a. The Township Supervisor may for good cause shown, suspend the Sewage Works service and/or the Wastewater Discharge Permit of a Nondomestic User when it appears that an actual or impending discharge presents or threatens an imminent or substantial danger to the health or welfare of Persons or the environment, interferes with the operation of the POTW, violates any Pretreatment limits or conditions imposed by this Article or any Wastewater Discharge Permit issued pursuant to this Article. Any Nondomestic User notified of the suspension of Sewage Works service and/or the Nondomestic User's Wastewater Discharge Permit, shall, within a reasonable period of time, as determined by the Township Supervisor, cease all discharges. In the event of failure of the Nondomestic User to comply voluntarily with the suspension order within the specified time, the Township Supervisor may take whatever steps are deemed necessary to eliminate the discharge, including cessation of Township water service and/or shall commence judicial proceedings for injunctive relief immediately thereafter to compel the Nondomestic User's compliance with such order. The Township Supervisor may reinstate the Wastewater Discharge Permit and/or Sewage Works service and terminate judicial proceeding upon presentation of proof by the Nondomestic User of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

b. Whenever the Township Supervisor determines that any Nondomestic User has violated this Article, or any other applicable laws or regulations which the Township is authorized to enforce, the Township Supervisor may issue administrative orders of the type listed below, as deemed appropriate under the circumstances. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single Nondomestic User.

(1) **Cease and Desist Order.** A cease and desist order directs the non-complying User to cease illegal or unauthorized discharges immediately or to terminate its discharge altogether. Any Person who uses, applied for use and/or is connected to the POTW under this Ordinance shall be deemed to have consented to inspection in accordance with Section 1101, including entrance upon that person's property by the Township Supervisor, or his designee, to take such steps as are necessary to eliminate the discharge should the User fail to comply with such order. Such order shall be final and in effect until a hearing, if requested by the User, is conducted and a final decision is made by the Township Supervisor. A written request for such hearing shall be made within ten (10) calendar days after receiving the order.

(2) **Consent Order.** An agreement between the Township and a User which may contain Compliance Schedules, requirements for reimbursement of the Township for damages and costs incurred or remedial actions, fines and administrative penalties and signatures of the Township Supervisor and, in accordance with Section 633, the Authorized Representative. A consent order shall address every identified and potential deficiency in the User's compliance status at the time of the order.

(3) **Show Cause Order.** Where the violation is not corrected by timely compliance, the Township Supervisor may order any Discharger who causes or allows prohibited conduct, to show cause before the Township Supervisor why a proposed permit revocation action should not be taken. A written notice shall be served on the Discharger by personal service, or by certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Township Supervisor regarding the violations, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the Discharger to show cause before the Township Supervisor why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or Authorized Representative of the Discharger. The proceedings at the hearing shall be considered by the Township Supervisor who shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. Appeal of such order may be taken by the Discharger in accordance with applicable State law.

(4) **Compliance Order.** A compliance order directs the Discharger to achieve compliance by a date specified in the order. Compliance orders require Nondomestic Users to develop management practices, spill prevention programs and related POTW industrial pretreatment program requirements.

(5) **Stop Work Order.** Where there is work in progress that constitutes or is causing a violation of any provision of this Ordinance, the Township Supervisor may issue a Stop Work Order to prevent further violations or damage.

(6) **Administrative Fines,** as specified in this Ordinance.

c. Pursuant to the Township Supervisor's authority to issue administrative orders, the Township Supervisor may require a non-complying Nondomestic User to post a performance bond sufficient to cover expenses which might reasonably be incurred by the Township as a result of future violations. Nondomestic Users who have, in the prior two (2) years, been responsible for causing an Upset at the POTW, may be required to obtain liability insurance sufficient to cover the reasonable costs of restoring the POTW in the event of another such incident. These requirements may be made conditions of the Wastewater Discharge Permit.

### **Section 638. Right of Appeal; Judicial Proceedings.**

a. Any Nondomestic User shall have the right to request, in writing, an interpretation or ruling by the Township Supervisor on any matter covered by this Article and shall be entitled to a prompt written reply.

b. Following the entry of any order by the Township Supervisor with respect to the conduct of a Discharger contrary to the provision of this Article, the Township attorney may, following the authorization of such actions by the Township Supervisor, commence a civil infraction or criminal action for appropriate legal and/or equitable relief in the court of competent jurisdiction. Such relief may include, but is not limited to, the following: injunctive relief against a Nondomestic User or Discharger for failure to comply with Pretreatment Standards and Pretreatment Requirements; suit for damages and costs to the Township including legal expense; municipal civil infraction actions and criminal prosecution seeking fines and imprisonment as permitted by this Ordinance and State law.

**Section 639. Part 23 Pretreatment Rules and 40 CFR Part 403.** The Township, to authorize the Township to implement and enforce requirements under the Part 23 Pretreatment Rules promulgated under Act 451 of the Public Acts of Michigan of 1994, as amended, and the federal Clean Water Act, adopts by reference the Part 23 Pretreatment Rules of the MDEQ, being Section R323.2301 to R323.2317, inclusive, of the State Administrative Code and, in addition, 40 CFR Part 403. In the event of a conflict between the provisions of this Ordinance and the provisions of the Part 23 Pretreatment Rules or the provisions of 40 CFR Part 403, the provisions of the Part 23 Pretreatment Rules or the provisions of 40 CFR Part 403, as the case may be, shall control. In the event of a conflict between the provisions of the Part 23 Pretreatment Rules and the provisions of 40 CFR Part 403, the provisions of 40 CFR Part 403 shall control.

## **ARTICLE 7 SEWER RATES AND CHARGES**

**Section 701. Public Utility Basis; Fiscal Year.** The System shall be operated and maintained by the Township on a public utility basis pursuant to state law under the supervision and control of the Township Board. The Township may employ such Person or Persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operations of the Public Sewer System. The Public Sewer System shall be operated on the basis of the Township's fiscal year. Sewer Rates and Charges for connection to and use of the Public Sewer System, including discharge and treatment of Sewage to and at the Sewage Treatment Facility, shall be charged to each User in accordance with this ordinance and any rate resolution adopted by the Township Board from time to time in the amounts set forth in such rate resolutions.

**Section 702. User Charge and Debt Service Charge.** The User Charge shall be as follows:

a. Users connected to the Public Water System shall pay a monthly Readiness to Serve Charge, billed in arrears, based on the size of the public water meter which serves the premises, as established by resolution of the Township Board from time to time.

b. Users connected to the Public Water System shall pay a monthly Commodity Charge, to be billed in arrears, based on metered water usage during the immediately preceding month, in an amount established by resolution of the Township Board from time to time. In setting the Commodity Charge for such Users, the following shall be taken in account:

(1) The Commodity Charge for Users shall take into account metered water that does not enter the Public Sewer System (e.g. lawn and garden irrigation water, cooling water, unpolluted air-conditioning water or unpolluted industrial process water) if such metered water is separately metered by a deduct or irrigation meter in a manner acceptable to the Township. Accordingly, the Commodity Charge for such a User shall be based upon the "net" metered water usage determined by subtracting the volume of water metered by the deduct or irrigation meter from the volume of water metered by the public water meter.

(2) The Commodity Charge shall be based upon the water used by the User during the preceding month (or between the last two meter readings if the meter was not read

on the first and last day of the month). If a meter fails to register properly, the consumption for the billing period will be estimated from the consumption of a preceding period when water was measured. If a meter reader is unable to gain access to a meter for reading after two calls, the Township may estimate the bill and make appropriate adjustments on the bill for the succeeding billing period. In general, the Township reserves the right to base the Commodity Fee on estimated water usage due to the inability to read a water meter as a result of inclement weather, acts of God, a broken water meter, blocked access to the water meter readout, an unauthorized water meter bypass, a program malfunction and similar events beyond the control of the Township.

c. For Users not connected to the Public Water System and whose water is not metered by a water meter, the Township may establish by resolution from time to time a User Charge, billed in arrears, as a flat rate per Unit.

d. The User Charge billed to residential Users shall be subject to a monthly rate maximum which shall be calculated using a two-step process: first, an annual rate maximum equal to 1.5% (one and one-half percent) of the median household income in the Township shall be determined; and second, a monthly rate maximum equal to the annual rate maximum divided by 12, and rounded down to the nearest dollar shall be determined. Residential Users shall be billed the lesser of (1) the total User Charge determined in accordance with Section 702(a) and 702(b), or Section 702(c) or (2) the monthly rate maximum.

The initial monthly rate maximum shall, consistent with the Township's Application in 2012 for USDA-Rural Development loan and grant funding, be based on Township median household income, as determined by 2000 federal census data and thereafter, the monthly rate maximum shall be based on the Township median household income, as determined by the most recent federal census data.

An exception to the monthly rate maximum shall apply to a residential User whose premises are also connected to the Public Water System. To the extent metered water usage by such a residential User exceeds 4,500 gallons per month, then the residential User shall be billed the lesser of (1) the User Charge determined in accordance with Section 702(a) and 702(b), or (2) the monthly rate maximum plus that portion of the Commodity Charge which is attributable to metered water usage in excess of 4,500 gallons per month.

The Township will review the policy for establishing a monthly rate maximum for residential Users periodically, with a review occurring at least once every 5 (five) years.

e. In lieu of, or partially in lieu of, including a debt service component as part of the User Charge, including the Readiness to Serve Charge and/or the Commodity Charge, a Debt Service Charge based on the size of the public water meter which serves a User connected to the Public Water System or based on Units for a User which is not connected to the Public Water System may be established by resolution of the Township Board from time to time. The Debt Service Charge or the debt service component, if any, of the User Charge, including the Readiness to Serve Charge and/or the Commodity Charge, may, in the discretion of the Township, be set in different amounts for Users located in different areas and served by different portions of the Public Sewer System based upon the differences in cost attributable to each portion of the Public Sewer System.

f. The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the Public Sewer System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 704 below.

g. User Charges and Debt Service Charges shall begin to accrue as of the day of the connection of the Building Sewer to the Public Sewer System in accordance with Article V, above. If appropriate, the billing of said charges for the initial billing period shall be prorated in arrears.

h. A User Charge and Debt Service Charge shall be charged to each Premises connected to the Public Sewer System, regardless of occupancy.

i. In addition to the User Charge, each User, whose Service Connection is comprised of a Grinder Pump System, shall provide and pay for the electrical power necessary for the operation of their individual Service Connection as such electrical power is independently metered and billed.

**Section 703. Connection Fee and Service Connection.** The owner of each Premises required by Article III to connect to the Public Sewer System shall pay a Connection Fee.

a. **Connection Fee.** The Connection Fee shall be computed in the following manner:

(1) For a Direct Connection to the Public Sewer System, the Connection Fee shall be a rate per Unit established by resolution of the Township Board from time to time.

(2) For an Indirect Connection to the Public Sewer System, the Connection Fee shall be a rate per Unit established by resolution of the Township Board from time to time.

(3) For non-Residential Users which are metered in the discretion of the Township in accordance with Appendix A, an adjustment in the amount of the Connection Fee may be made by the Township at the conclusion of the metering period. In the event of a subsequent increase in utilization of the Public Sewer System, subsection (f) shall apply.

(4) The Connection Fee may be set in different amounts per Unit for Direct Connections and Indirect Connections for connections to the Public Sewer System as originally constructed (the "Original Public Sewer System") and extensions thereto, whether located within or without the Service District or any Special Assessment District or extended in accordance with Section 307, Section 308, Section 309 or Section 310 and the differences in cost attributable to each portion of the Public Sewer System or extensions thereof. It is the expectation of the Township that the amount of the Connection Fee for Direct Connections and Indirect Connections to extensions of the Original Public Sewer System shall not be less than the amount of the Connection Fee for Direct Connections and Indirect Connections to the Original Public Sewer System.

b. **Cost and Expense of Service Connection.** In addition to the Connection Fee as computed in (a) above, the owner of the Premises shall be liable for the costs and expenses of acquiring from the Township and installing the Service Connection pursuant to Township specifications on file at the Township. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and the integrity of the Public Sewer System.

c. **Credit for Special Assessments.** There shall be a credit against the Connection Fee to a Premises in the principal amount of any special assessment which has been assessed by the Township upon the Premises for payment of part of the cost of the Public Sewer 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 Fee. For example, if a special assessment of \$1,000 has been assessed upon a Premises and the Connection Fee is \$1,000; no amount would be payable as a Connection Fee because the full \$1,000 special assessment would be a credit against the Connection Fee. If the Connection Fee is \$1,200, the customer would receive a \$1,000 special assessment credit and pay a Connection Fee for the remaining balance of \$200. If the Connection Fee is \$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 Fee.

d. **Installment Payment of Connection Fee.** The property owner may elect to pay the Connection Fee 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 the Connection Fee 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. The first installment shall be due and payable prior to the issuance of a connection permit in accordance with Article V.

e. **Cash Payment.** Except for installment payments permitted by the terms of Section 703(d) above, the Connection Fee shall be paid in cash, to the extent not offset by a credit in accordance with Section 703(c), prior to the issuance by the Township of a connection permit to connect to the Public Sewer System pursuant to Article V.

f. **Increased Utilization of Public Sewer System.** In the event a change in use of a Premises is proposed which will increase the utilization by that Premises of the Public Sewer System, then the owner of the Premises shall submit a new application for a connection permit to the Township. In this circumstance, the Township shall, without metering in accordance with Appendix A, assign additional Units to the Premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned Units shall be payable in accordance with the procedures set forth in Article V for the issuance of a Service Connection permit. No refunds shall be given for a change in use which decreases the Unit assignment to a Premises.

g. **Repair and Replacement of Sewer Lead.** In the event the connection of a Building Sewer to a Sewer Lead for a Premises for which a Connection Fee has been paid is repaired, revised, or replaced, as a result of damage, destruction, remodeling or replacement of the Structure in Which Sanitary Sewage Originates on such Premises, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement and provided further that the owner of the Premises pays all costs related to the repair, revision or replacement of the Building Sewer and Sewer Lead. An additional Inspection and Administration Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances, as determined by the Township.

h. **Hardship Deferment.** The owner or owners of a single family residence, in which residence said owner or owners reside and upon which a Connection Fee has been imposed, may submit a hardship application to the Township seeking a deferment in the partial or total payment of the Connection Fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

(1) The owners of the Premises shall, under oath, complete a hardship application provided by the Township, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 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 only security interests in the Premises.

(2) Hardship applications 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 shall forthwith notify the applicants of said determination.

(3) 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.

(4) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the Connection Fee, 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 of the following events:

(a) A change in the financial status of any applicant which removes the basis for financial hardship;

(b) 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;

(c) A death of any of the applicants.

(5) Upon a determination of the Township Board deferring all or part of the Connection Fee, the owners of the Premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the Premises, guaranteeing payment of the deferred amounts 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 guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection to the Public Sewer System, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

**Section 704. User Surcharge.** The User Surcharge payable pursuant to Section 702(f) above, shall be based upon the recommendation of the Township and determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of Sewage which is not Normal Strength Domestic Sewage shall be considered and included as a basis for determining the User Surcharge.

**Section 705. Miscellaneous User Fee.** The Township shall, from time to time, establish by resolution of the Township Board and impose on one or more Users a Miscellaneous User Fee, as necessary, for miscellaneous service, repairs and related administrative and enforcement costs of the Township associated with the Public Sewer System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by the Inspection and Administration Fee, costs of repairing and/or replacing a damaged Service Connection, discharges of Sewage or Wastewater in violation of this ordinance, costs of abating a nuisance pursuant to Section 1204 hereof, and costs incurred by the Township to shut off and turn on water or sewer service.

**Section 706. Inspection and Administration Fee.** The Inspection and Administration Fee shall be determined from time to time by resolution of the Township Board, based upon the recommendation of the Township, and shall be based upon the actual cost borne by the Township for its Inspectors.

**Section 707. Billing of Sewer Rates and Charges.** The Township shall bill and collect all User Fees, Debt Service Fees and User Surcharges on a quarterly or monthly basis as determined in the sole discretion of the Township Board. A Miscellaneous User Fee shall be billed by the Township, on behalf of the Township, promptly after the circumstances which gave rise to the Miscellaneous User Fee.

The Township shall mail each User a bill on or before the 1st day of the first month of the quarterly or monthly billing period. Payment of a quarterly bill which is rendered by the Township is due and payable on or before the 1st day of the second month in the quarterly billing period. Payment of a monthly bill which is rendered by the Township is due and payable on or before the 25th day of the monthly billing period. Payment of a Miscellaneous User Fee shall be due on the 10th day after the bill or statement is mailed by the Township.



The bill shall separately itemize the Sewer Rates and Charges. Payment of said bill shall be made at a location and in a manner designated by the Township.

As an alternative to mailing individual billing statements to each User, the Township may periodically mail to each User a coupon book with a series of consecutive quarterly or monthly payment coupons, each of which shall specify the quarterly or monthly due date. In the event the Township utilizes such a coupon book, each User shall be required to detach the appropriate quarterly or monthly coupon and pay the same on or before the date due.

**Section 708. Unpaid Sewer Rates and Charges; Penalty.** If Sewer Rates and Charges are not paid on or before the due date then a penalty in the amount of 10% shall be added to the balance due and thereafter a time price differential of 1% per month or fraction of a month shall be charged on the outstanding balance, exclusive of penalty, until paid.

**Section 709. Unpaid Sewer Rates and Charges; Remedies.** If Sewer Rates and Charges are not paid on or before the due date, the Township pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may

a. discontinue the services provided by the Public Sewer System by disconnecting the Building Sewer from the Service Connection, or for properties connected to the Public Water System, discontinue the services provided by the Public Water System, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the Township for shutting off and turning on the service, shall be paid to the Township;

b. institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

c. enforce the lien created in Section 710 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this ordinance or now or hereafter existing at law or equity.

Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 710 below. Before disconnecting service, the Township shall give thirty (30) days written notice to the User at the last known address according to the Township records and the Township tax assessment roll. The notice shall inform the User that the User may request an informal hearing to present reasons why service should not be disconnected.

**Section 710. Lien.** The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Township Clerk shall certify all Sewer Rates and Charges delinquent as of September 1 and penalties and time price differential thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, time price differential and penalties, together with an additional penalty equal to 3% of the total, upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises.

**Section 711. No Free Service.** No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

**Section 712. Rental Properties.** A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township thirty (30) days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount equal to the Debt Service Charge and the User Charge for the preceding twelve (12) monthly billing periods or four (4) quarterly billing periods. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be immediately applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease.

**Section 713. Cancellation of Permits; Disconnection of Service.** Applications for connection permits may be canceled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- a. Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- b. Nonpayment of Sewer Rates and Charges.
- c. Failure to keep Building Sewers and Control Manholes in a suitable state of repair.
- d. Discharges in violation of this Ordinance.
- e. Damage to any part of the System.

**Section 714. Security Deposit.** If the sewer service or Public Water System service supplied to a User has been discontinued for nonpayment of Sewer Rates and Charges, service shall not be reestablished until all delinquent Sewer Rates and Charges, time price differential, interest and penalties, and the turn-on charge has been paid. The Township may, as a condition to reconnecting said service, request that a sum equal to the Debt Service Charge and the User Charge for the preceding twelve (12) monthly billing periods or four (4) quarterly billing periods be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing for Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. The User shall immediately make sufficient payment to the Township to

reinstate the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 709 and 710 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of twelve consecutive (12) months.

**Section 715. Billing Address.** Bills and notices relating to the conduct of the business of the Township will be mailed to the User at the address listed on the permit application filed pursuant to Article V unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery of any bill or notice, nor will the User be excused from non-payment of a bill or from any performance required in said notice.

**Section 716. Interruption of Service; Claims.** The Township shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Township shall not, in any event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no Person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

## **ARTICLE 8 REVENUES**

**Section 801. Estimated Rates; Sufficiency.** The User Charges are to be sufficient to provide for the cost of Operation and Maintenance of the Public Sewer System and the Sewage Treatment Facility as necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised by resolution of the Township Board from time to time as may be necessary to produce these amounts and to comply with the Township's obligations to pay outstanding debt. An annual audit shall be prepared by the Township. Based on this audit and the annual budget prepared by the Township for the Public Sewer System, Sewer Rates and Charges shall be reviewed annually by the Township and revised by the Township as necessary to meet system expenses and to insure that all Users pay their proportionate share of the Cost of Operation and Maintenance.

**Section 802. Revenues; Depository.** The revenues of the System shall be set aside, as collected, and deposited in the Receiving Fund. The Receiving Fund shall be held and administered by the Township.

## **ARTICLE 9 ADMINISTRATIVE APPEALS; BOARD OF APPEALS**

**Section 901. Informal Hearing.** In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or

unnecessary financial hardship would result from carrying out the strict letter of this Ordinance, an informal hearing before the Township Utilities Committee may be requested in writing by any Person deeming itself aggrieved by a citation, order, charge, fee, surcharge, penalty or action within ninety (90) days after the date thereof, stating the reasons therefore with supporting documents and data. The informal hearing shall be scheduled at the earliest practicable date, but not later than thirty (30) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the Township offices or at such place as designated by the Township Utilities Committee. The Township Utilities Committee may grant the appeal, reject the appeal or schedule a second informal hearing not more than thirty (30) days after the initial hearing to allow time for study or to gather additional information. The Township Utilities Committee shall issue a written statement of its decision within fifteen (15) business days after the informal hearing.

**Section 902. Board of Appeals.** In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where this Ordinance is misapplied or unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Township Board shall serve as a Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Utilities Committee and to determine, in particular cases, whether this Ordinance has been misapplied or any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health, safety or welfare. In all appeals, the appellant shall have the burden of proof.

**Section 903. Appeals from Informal Hearing.** Appeals from the written decisions of the Township Utilities Committee may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of the written decision of the Township Utilities Committee. Such appeal may be taken by any Person aggrieved. The appellant shall file a Notice of Appeal with the Township Utilities Committee and with the Board of Appeals, specifying the ground therefore. Prior to a hearing, the Township Utilities Committee shall transmit to the Board of Appeals a summary report of all previous action taken. The Board of Appeals may, at its discretion, call upon the Township Utilities Committee to explain the action. The final disposition of the appeal shall be in the form of a resolution either reserving, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board of Appeals must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the same Board of Appeals may reserve or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board of Appeals shall be final.

The Board of Appeals shall meet at such times as the Board of Appeals may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board of Appeals shall adopt its own rules or procedure and keep a record of its proceedings, showing findings of fact, the action of the Board of Appeals, and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum.

**Section 904. Payment of Amounts Outstanding.** All Sewer Rates and Charges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

**Section 905. Effect of Administrative Action.** If any informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, an action subject to appeal shall be suspended until a final determination has been made, except for immediate cease and desist orders issued pursuant to this Ordinance.

**Section 906. Appeal from Board of Appeals.** Appeals from the determinations of the Board of Appeals may be made to the Wexford Circuit Court within twenty (20) days as provided by law. All findings of fact, if supported by the evidence, made by the Board of Appeals shall be conclusive upon the Court.

**ARTICLE 10  
NOTICE AND CLAIM PROCEDURES  
FOR SEWER OVERFLOW OR BACKUP**

**Section 1001. Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer System.** This Section 1001 has been adopted in accordance with Act 222 to set forth the notice and claim procedures applicable to a Sewage Disposal System Event. To afford property owners, individuals and the Township greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Township and any Claimant making a claim for economic damages shall follow the following procedures:

a. A Claimant is not entitled to compensation unless the Claimant notifies the Township of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.

b. The written notice under subsection (a) shall contain 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. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.

c. The written notice under subsection (a) shall be sent to the Township Supervisor, who is hereby designated as the individual at the Township to receive such notices pursuant to Section 19 of Act 222.

d. If a Claimant who owns or occupies affected property notifies the Township, orally or in writing, of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections (a), (b) and (c), the Township shall provide the Claimant with

a written explanation of the notice requirements of subsections (a), (b) and (c) sufficiently detailed to allow the Claimant to comply with said requirements.

e. If the Township is notified of a claim under subsection (a) and the Township believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Township 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 Township receives the Claimant's notice under subsection (a).

f. If the Township receives a notice from a Claimant or a different or additional governmental agency that complies with this Section 1001, the Township 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 the Township or its duly authorized representatives to inspect damaged property or investigate a physical injury.

g. Prior to a determination of payment of compensation by the Township, the Claimant shall provide to the Township additional documentation and proof that:

(1) At the time of the Sewage Disposal System Event, the Township owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer System that allegedly caused damage or physical injury;

(2) The Public Sewer System had a defect;

(3) The Township knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer System;

(4) The Township, 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 in the Public Sewer System; and

(5) The defect in the Public Sewer System was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.

h. Prior to a determination of payment of compensation by the Township, the Claimant shall also provide to the Township additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:

(1) An obstruction in a Service Connection or a Building Sewer that was not caused by the Township; or,

(2) A connection on the affected Premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer System.

i. If the Township and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection (a), the Claimant may institute a civil action in accordance with Act 222.

j. To facilitate compliance with this Section 1001, the Township shall make available to the public information about the notice and claim procedures under this Section 1001.

k. The notice and claim procedures set forth in this Section 1001 shall be applicable to a Sewage Disposal System Event involving the Public Sewer System.

l. The Township does not own or operate any Storm Sewer, Storm Drain or combined sewer and, accordingly, the notice and claim procedures set forth in this Section do not apply to a Sewage Disposal System Event involving a Storm Sewer, Storm Drain or a combined sewer.

m. In the event of a conflict between the notice and claim procedures set forth in this Section 1001 and the specific requirements of Act 222, the specific requirements of Act 222 shall control.

n. As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section 1001 do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.

Any word, term or phrase used in this Section 1001, if defined in Act 222, shall have the same meaning provided under Act 222.

## **ARTICLE 11 INSPECTION BY TOWNSHIP**

**Section 1101. Inspection by Township.** The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Inspector, the Township Supervisor, the Township's engineer, the Health Department and representatives of MDEQ bearing proper credentials and identification shall be permitted to enter at any time, following reasonable prior notice, during reasonable or usual business hours in and upon all properties in the Service District for the purposes of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of the Ordinance. Any Person who applies for and receives sewer services from the Township or owns real property in the Service District shall be deemed to have given consent for all such activities including entrance upon that Person's property.

**Section 1102. Compliance with Safety Rules.** While performing the duties in Section 1101 above, the duly authorized employees or representatives of the Township shall observe all reasonable safety rules applicable to the Premises established by the property owner or User.

## **ARTICLE 12 ENFORCEMENT**

**Section 1201. Damage to System.** No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the Public Sewer System.

**Section 1202. Notice to Cease and Desist.** Except for violations of Section 1201 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 1203. Civil Infraction.** Any violation of Section 1201, or any violation beyond the time limit provided for in Section 1202, shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same Person within 12 months of a previous violation of the Ordinance for which said Person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any Person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney fees, loss, or damage occasioned by reason of such violation. The Township Supervisor shall be authorized, in the manner provided by law, to issue municipal civil infractions for violation of this Ordinance.

**Section 1204. Nuisance; Abatement.** Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township in the furtherance of the public health, safety and welfare may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the costs and expenses, including reasonable attorney fees, incurred by the Township in making such repairs or taking such action as a Miscellaneous User Fee.

**Section 1205. Liability for Expenses .** Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney’s fees, loss, or damage incurred by the Township by reason of such violation as a Miscellaneous User Fee.

**Section 1206. Remedies Are Cumulative.** The remedies provided by this Ordinance, including without limitation, the remedies set forth in Article 6 and this Article 12, shall be deemed to be cumulative and not mutually exclusive with any other remedies available to the Township. The Township may take any, all or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Township’s enforcement response plan. However, the Township may take other action against any User when the circumstances warrant. Further, the Township is empowered to take more than one enforcement action against any noncompliant User.



**ARTICLE 13  
MISCELLANEOUS**

**Section 1301. Repeal of Conflicts .** The Prior Township Sewer Ordinance is hereby repealed, subject to the provisions of Section 1302 and Section 1303 hereof, as of the effective date of this Ordinance.

**Section 1302. Savings Clause Re: Violation of the Prior Township Sewer Ordinance.** An ordinance enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of the Prior Township Sewer Ordinance repealed by this Ordinance, or an ordinance enforcement action which is commenced within one (1) year after the effective date of this Ordinance arising from a violation of the Prior Township Sewer Ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be handled, determined and resolved in accordance with the remedies and procedures provided by the Prior Township Sewer Ordinance repealed by this Ordinance, exactly as if the Prior Township Sewer Ordinance had not been repealed.

**Section 1303. Savings Clause Re: Collection of Sewer Rates and Charges Imposed Under the Prior Township Sewer Ordinance.** All sewer rates and charges (within the meaning of the Prior Township Sewer Ordinance) levied, imposed or accrued but not yet billed under the Prior Township Sewer Ordinance that are unbilled or uncollected as of the effective date of this Ordinance shall be billed and collected by the Township under the terms of this Township Ordinance. If such rates and charges cannot, for any reason, be billed or collected by the Township under the terms of this Township Ordinance, such rates and charges shall be collected in accordance with the terms, conditions and procedures of the Prior Township Sewer Ordinance exactly as if the Prior Township Sewer Ordinance had not been repealed.

**Section 1304. Severability.** The validity 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.

**Section 1305. State and Federal Law Requirements.** If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

**Section 1306. Article and Section Headings.** The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

**Section 1307. Reservation of Right to Amend.** The Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the Sewer Rates and Charges herein provided.

**ARTICLE 14  
PUBLICATION AND EFFECTIVE DATE**

**Section 1401. Publication.** A true copy or a summary of this Ordinance shall be published in *The Cadillac News*, a newspaper of general circulation within the boundaries of the Township

qualified under state law to publish legal notices within thirty (30) days after the adoption of the Ordinance by the Township. This Ordinance shall be recorded in the minutes of the Township Board of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Township.

**Section 1402. Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

Passed and adopted by the Township Board of the Charter Township of Haring, County of Wexford, Michigan on June 27, 2016, and approved by me on June 27, 2016.

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Robert Scarbrough, Supervisor  
Charter Township of Haring

Attest:

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Kirk Soule, Clerk  
Charter Township of Haring

**CLERK’S CERTIFICATE**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Haring, County of Wexford, State of Michigan, at a special meeting held on June 27, 2016, and that public notice of said meeting was given pursuant to Act No. 267 of the Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

\_\_\_\_\_  
Kirk Soule, Township Clerk

**CERTIFICATE OF PUBLICATION**

I, the undersigned, Township Clerk of the Charter Township of Haring, County of Wexford, Michigan, hereby certify pursuant to MCL 42.22 that the Sewer Connection, Use and Rate Ordinance (Township Ordinance No. 2016-103) or a summary thereof was published in *The Cadillac News* on \_\_\_\_\_, 2016.

Dated: \_\_\_\_\_, 2016

\_\_\_\_\_  
Kirk Soule, Township Clerk

## APPENDIX A

### Residential Equivalent Unit Factors

Code	Occupation Use	Units	Unit Factor
1	Residence, Single Family	1.00	per residence
2	Residences, Apartment-unit including laundry facilities in apartment	1.00	1.0 for each dwelling unit
3	Residences, Apartment-units not having laundry facilities in apartment	1.00	1.0 for each dwelling unit
4	Residences, Multiple Family, Duplex, Row Houses or Townhouses	1.00	1.0 for each dwelling unit
5	Residences, Two-Family	1.00	1.0 for each dwelling unit
6	Aircraft Hangers	0.40	per 1,000 sq. ft.
7	Auto Dealers - New and/or Used	1.00	per premise per 1,000 sq. ft. of building including service area
8	Auto Repair/Collision	1.00	per premise per 1,000 sq. ft. of building including service area
9	Auto Wash (Coin-Operated 10 Gallons or less per car) Do-It-Yourself	1.00	per stall
10	Auto Wash (Mechanical - Over 10 Gallons per car - Not Recycled)	10.00	per stall or production line including approach and drying area
11	Auto Wash (Mechanical - Over 10 Gallons per car-Recycled)	5.00	per stall or production line including approach and drying area
12	Banks	0.50	per 1,000 sq. ft.
13	Barber Shop	1.00	per shop plus 0.1 per chair after 2
14	Bar	4.00	per 1,000 sq. ft.
15	Beauty Shops	1.00	per shop plus 0.1 per booth
16	Bowling Alleys (No Bar)	1.00	per premise plus 0.2 per alley
17	Campground Facilities - Recreation vehicles, tents, trailers under 12 feet	0.35	per pad or site picnic facilities
18	Campground Facilities - Trailer parks or trailers in excess of 12 feet	0.50	per pad or site plus picnic facilities
19	Churches	0.25	per 1,000 sq. ft.
20	Cleaners (cleaning & pressing facilities)	1.00	per premise plus 0.5 per 500 sq. ft.
21	Cleaners (pick-up only)	1.00	per shop
22	Clinics (Medical or Dental)	1.00	per premise plus 0.5 per exam room
23	Convalescent or Boarding Homes	1.00	per premise plus 0.25 per bedroom
24	Convents	1.00	per premise plus 0.25 per bedroom
25	Country Clubs or Athletic Clubs	1.50	per 1,000 sq. ft.
26	Drug Stores	1.00	per premise plus snack bar
27	Factories (Office & Production)	0.75	per 1,000 sq. ft.
28	Fraternity/Sorority Houses: Dormitories	1.00(0.60)	1.00 plus 0.6 for each 2 residents in excess of 4
29	Funeral Home	1.50	per 1,000 sq. ft. plus residence to be computed separately
30	Grocery Store and Super Market	1.00(0.80)	per premise plus 0.8 per 1,000 sq. ft.
31	Hospitals	1.10	per bed
32	Hotels and Motels	0.40	per bedroom plus restaurants and bar
33	Laundry (Self-Serve)	1.00(0.50)	per premise plus 0.5 per washer
34	Marinas - per boat space	0.06	per space under 25 ft. in length

<b>Code</b>	<b>Occupation Use</b>	<b>Units</b>	<b>Unit Factor</b>
35	Marinas - per boat space	0.10	per space over 25 ft. in length
36	Mobile Homes (Free Standing)	1.00	per unit
37	Mobile Homes (Park or Subdivision)	.75	per pad or site plus laundry, community buildings and office to be computed separately per schedule
38	Parks, Recreation Facilities, Campgrounds, Picnic Facilities - no bathing or overnight accommodations	0.20	per parking space
39	Picnic Facilities - with bathing privileges or swimming pool	.35	per parking space
40	Post Office	1.00	per 1,000 sq. ft.
41	Professional Office	0.25	per 500 sq. ft.
42	Public Institutions	0.75	per 1,000 sq. ft.
43	Restaurants (meals & drinks)	3.50	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
44	Restaurants (meals only)	2.50	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
45	Restaurants (public areas, auxiliary dining rooms, dance floors or ballrooms which are not in regular use)	0.50	per 1,000 sq. ft.
46	Retail Store (other than listed)	1.00	per premise plus 0.1 per 1,000 sq. ft.
47	Schools	1.00	per classroom
48	Service Stations	1.50	per 1,000 sq. ft. of building area
49	Snack Bars, Drive-Ins, etc.	2.50	per 1,000 sq. ft.
50	Theaters	0.04	per seat
51	Theaters (drive-in)	0.04	per car space
52	Veterinary Facility	1.50	per facility
53	Veterinary Facility with Kennel	0.50	per 5 Kennels
54	Warehouse and Storage	0.20	per 1,000 sq. ft.

- \* The minimum number of Units assigned to any User shall be 1 Unit.
- \* The Township, at its discretion, may require any User of the System, other than single family residences, to install a water or sewer meter to measure sewage use and to determine Units at 200 gallons per Unit. In this event, the meter reading shall be averaged for at least a three month period as determined by the Township and then divided by the number of days metered, with the resulting amount divided by 200 gallons per day to determine the number of Units. The metering of the water or sewage flow for this purpose shall be accomplished by a meter approved by the Township and all expense of the installation, repair and maintenance of the meter shall be the responsibility of the property owner.