

**TOWNSHIP OF MARION  
LIVINGSTON COUNTY, MICHIGAN**

**SEWER AND WATER ORDINANCE  
ORDINANCE NO. 4-13-00**

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**TOWNSHIP OF MARION  
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TOWNSHIP OF MARION  
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**TOWNSHIP OF MARION  
LIVINGSTON COUNTY, MICHIGAN**

**SEWER AND WATER ORDINANCE  
ORDINANCE NUMBER 4-13-00**

THE TOWNSHIP OF MARION ORDAINS:

TITLE: This Ordinance shall be known as the Marion Township Sewer and Water Ordinance.

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH BY OPERATION OF THE MARION TOWNSHIP SEWER AND WATER SYSTEM ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN 1933, AS AMENDED, AND TO PRESCRIBE THE CHARGE RATES FOR THE USE OF SAID FACILITIES AND TO PROVIDE FOR OTHER MATTERS PERTAINING TO SAID SYSTEM.

PURPOSE: The purpose of this Ordinance is to establish standards, rules and regulations concerning the use of the Marion Township Sewer and Water System: to provide for the rates and charges for the connection to, and the use of the System.

**CHAPTER ONE – GENERAL PROVISIONS**

**1. DEFINITIONS**

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

- 1.1 "Director" shall mean the Director of Public Works or his/her authorized representative. The Director is the person designated by the Township to supervise the operation of the Marion Township Sewer and Water System.
- 1.2 "Person" shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentality or any other entity receiving sanitary sewer water service.
- 1.3 "Revenues". Whenever the words "revenues" and "net revenues" are used in this Ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
- 1.4 "SWATH" shall mean the Howell Township, Marion Township, Oceola Township and Genoa Township Sewer and Water Authority.
- 1.5 "Sewer System" shall be understood to mean the complete facilities of the Township's sanitary sewer system including any future treatment facilities of any type, and transmission lines and pump stations and all additions thereto and including all extensions and improvements thereto which may hereafter be acquired. It shall also consist of all plants, works, instrumentalities, lines and properties including rights of way now or hereafter existing, used or useful in obtaining the transmission and/or treatment of a sanitary sewer system whether such system is owned outright or under lease or otherwise by the user. The sanitary sewer system may be comprised of separate facilities located in separate districts and shall include all lines connecting it to the sewage treatment facilities of the City of Howell.
- 1.6 "System" – Shall mean the Sewer System and Water System.

- 1.7 "Township" shall mean the Township of Marion, Livingston County, Michigan, a general law Township and any agent thereof.
- 1.8 "Township Board" shall mean the governing body of the Township of Livingston.
- 1.9 "Water System" shall be understood to mean the complete facilities of the Township's Water Supply System including any future wells, water intake and filtration equipment, well houses, pumps, water storage facilities, and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired. It shall also consist of all plants, work, instrumentalities, lines and properties now or hereafter existing, used or useful in obtaining of a water supply, its treatment, distribution, and all other necessary functions, whether such installation is owned outright or used under lease or otherwise, by the consumer. The system may be comprised of separate facilities located in separate water supply districts. The system also includes all lines connecting it to the water system operated by the Marion, Howell, Oceola and Genoa Sewer and Water Authority.

## 2. PROVISIONS DEEMED INCORPORATED IN ALL CONTRACTS

### 2.1 Contract for Service

All provisions and sections of this Ordinance about the Township Sewer and Water System and sale and use of water or sanitary sewer services and/or amendments or additions which may be subsequently adopted, shall be considered a part of the contract with every person that is supplied with water and/or sanitary sewer system through the System of the Township, and every person by taking water or sanitary sewer service shall be considered to express his consent to be bound thereby, and whenever any provision or section of this Ordinance about the System is violated, the water and sanitary sewer system may be cut off from the building or place of violation at the discretion of the Director Board and shall not be turned on again except on correction of the violation and payment of the expenses of shutting off and turning on.

### 2.2 Save Harmless Clause

The user of the system shall indemnify, save harmless and defend the Township against all claims, demands, cost or expense for loss, damage or injury to persons or property in any manner, directly or indirectly, growing out of the transmission and use of water or sanitary sewer system by the consumer from water service pipes installed by the consumers on the consumers premises.

## 3. ADMINISTRATION/MANAGEMENT

### 3.1 Establishment of a Public Utility

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township that the Township's Sewer and Water System be operated on a public utility rate basis.

### 3.2 Supervision and Control

The operation and management of the System shall be under the immediate supervision and control of the Township Board.

### 3.3 Rights

The Township has the exclusive right to establish, maintain and collect rates and charges for water supply and sanitary sewer service from the System. The Township Board may make such rules, orders or regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The Township may employ or contract such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the system.

3.4 Operating Year

The System operation shall be based on an operating fiscal year commencing on July 1 and ending on the last day of June the next following.

3.5 Compliance with State and Federal Standards and Regulations

Standards and regulations established in this Ordinance or pursuant hereto are deemed to be the minimum standards consistent with the preservation of public health, safety and welfare and are necessary to fulfill the obligations of the Township concerning State and Federal law and the rules and regulations adopted pursuant thereto.

3.6 Additional Regulations

The Township Board may by resolution make additional rules and regulations concerning the System.

**4. TOWNSHIP LIABILITY EXEMPTION**

4.1 The Township shall not be responsible for interruptions of service because of natural calamities, equipment failures, or actions of the System's users. It shall be the responsibility of the consumer that all connected equipment remains in good working order. No claim or cause of action may be asserted against the Township by reason of the breaking away of any pipe, service cock, or for any other interruption of the water supply or sanitary sewer service.

4.2 The Township shall not be liable for any expenses incurred by a permittee in locating mains, services and curb stops.

**5. ACCESS**

5.1 Inspection

The Director and other duly authorized representatives of the Township bearing proper credentials and identification shall be permitted to enter upon all properties served by the System at reasonable times for the purpose of inspection, observation, measurement, sampling and testing to determine compliance with the provisions of this Ordinance. Any person who requests water supply or sanitary sewer service and/or receives water or sanitary sewer services from the System under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon such person's property at reasonable times to make inspections.

5.2 Meter Reader Access

Any duly authorized agent or employee of the Township shall have access to the consumer's premises at all reasonable hours for the purpose of reading meters, inspections, doing repairs or installing or removing any or all Township owned apparatus used for providing service to any user of the System.

## 6. SYSTEM PROHIBITIONS

No person in the Township shall:

- 6.1 Willfully, negligently or maliciously break, damage, destroy, uncover, deface or tamper with or alter, any structure, property, appurtenance, equipment or any other item which is part of the System.
- 6.2 Remove any part of the System including equipment or tools.
- 6.3 Prevent or circumvent a water meter from measuring water supplied by the water system.
- 6.4 Fraudulently obtain water or sanitary sewer services from the System.

## 7. ENFORCEMENT

### 7.1. Penalties

Any person found to be violating any provision of this Ordinance shall be served 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. Any person convicted of a violation of any provision of this Ordinance, shall be punished by a fine of not more than \$500 (five hundred dollars), or by imprisonment of not more than 90 (ninety) days or both, such fine and imprisonment in the discretion of the court.

- 7.2 A violation of this Ordinance is also declared to be a public nuisance and the Township may enforce same by injunction or other remedy, including the right to correct the violation and recover the cost of obtaining the necessary correction from the owner or person in charge of the premises therefore.

## 8. ESTABLISHMENT OF RATES

### 8.1 Purpose for Charges

8.1.1. Charges for the installation and use of the System are hereby established to recover the costs of administration, construction, reconstruction, maintenance of said system as are necessary to preserve the same in good working order, operation and replacement of the System and to provide for the payment of any debt service obligations of the Township as the same becomes due. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all premises which use the System.

### 8.1.2 Establishment of Rates

The rates for water and sewer service charges, connection fees and other charges are to be established by resolution of the Township Board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the System. Rates need not be uniform for any separate water supply or sanitary sewer districts.

### 8.1.3 Publication

Following approval by the Township Board of the rates to be charged for the water and sanitary sewer service under this Ordinance, the rate schedule shall



be published. Said notice is to be published in a newspaper of general circulation in the Township within thirty (30) days following approval by the Township Board.

## 8.2 Types of Charges

### 8.2.1 Commodity Charge

All the water use of residential commercial industrial and other consumers connected to the System shall be measured by meter and the consumers shall be charged a commodity charge for water usage.

### 8.2.2 Other Charges

All other charges shall be as set forth in the Chapters of this Ordinance governing the operation of the water system and the sewer system.

## 9. **PAYMENT FOR USE OF THE SYSTEM**

### 9.1 Responsibility for Payment

9.1.1 The owner of the premises served by the System shall be liable to the Township for any charges and fees authorized to be charged by this Ordinance.

9.1.2 When a single water service pipe serves two (2) or more consumer units, the owner of the premises shall be responsible for payment.

9.1.3 The owner of the premises as well as any user of the System at the premises shall be responsible to reimburse the Township for any and all administrative costs and fees incurred by the Township.

### 9.2 Billing, Collections and Customers Payments

#### 9.2.1 Meter Reading

Meters shall be read monthly and as deemed necessary.

#### 9.2.2 Bills

The Township shall tender or cause to be tendered bills for water and sewer service and all other charges in connection therewith. Bills for water service shall be sent to consumers by first-class mail.

9.2.3 Monthly water bills for users of the System shall be based upon the charges established by resolution of the Township Board for the System.

#### 9.2.4 Due Date of Charges

All bills shall be payable by the due date specified on the bills, and shall be paid as provided in the bill in person or by mail.

#### 9.2.5 Collections

The Township Treasurer or authorized representative shall collect all moneys due for water and sewer service and all other charges in connection with the System

9.2.6 Late Charges

If any charge for the services of the System which has been billed to a customer of the System shall not be paid on or before the due date specified on the bill, a delayed payment charge of ten per cent (10%) of the amount of the bill shall be added thereto and collected therewith.

9.2.7 Unpaid Bills

9.2.7.1 If any bills for service of the System shall remain unpaid after 30 (thirty) days following the due date specified on the bill therefore, the water supply for the lot, parcel of land, or premise affected may be cut off and if cut off shall not be turned on again except on payment in full of the delinquent charges therefore, and the fee charged for resumption of service. The Township shall send a notice to its customers of intent to terminate service.

9.2.7.2 If payment is not received, or satisfactory arrangements have not been made within seven (7) days after the shut off notice is sent to the consumer, the water service shall be shut off. No water service that has been discontinued because of nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made.

9.2.7.3 If payment is not received or satisfactory arrangements have not been made within (30) days of the due date on the bill, a shutoff notice will be sent by first class mail to inform the user that failure to respond will result in termination of sewer service. If payment is not received or satisfactory arrangements have not been made within seven (7) days after the shutoff notice is sent to the user, the sewer service shall be shut off. No sewer service that has been discontinued due to nonpayment shall be restored until all past-due bills are paid or satisfactory arrangements for such payment are made.

9.2.8 Non Receipt of Bill

Failure of the consumer to receive any bill shall not relieve him/her of the liability for the charges incurred, and the consumer shall notify the Township Clerk if a bill has not been received the 15th day after the end of a billing period.

9.2.9 Charges to Become a Lien Upon Premises

The Township shall have as security for the collection of water and sewer rates, assessments or charges due or to become due for the use and installation, repair, or maintenance to any house, building, or premises, a lien upon the building or premises, lot or lots, upon which the System's service was supplied. This lien shall become effective immediately upon the providing of the System's service to the premises or property supplied.

9.2.9.1 The lien created by this Ordinance shall have priority over all other liens except taxes or special assessments. The Lien created by this Ordinance shall not apply if a written lease has been legally executed containing a provision that the lessor shall not be liable for payment of use charges, providing the lease was executed prior to the supply of

water or sewer service for which the charges are made and providing that the lessor has filed an affidavit with the Township Clerk verifying the execution of a lease containing such provision. The lessor shall give the Township twenty (20) days advance written notice of any cancellation, change, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

9.2.9.2 Charges for water and sewer services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all premises served thereby. The charges for water and sewer services furnished to any premises are hereby recognized to constitute such Lien and whenever any such charge against any piece of property or premise shall be delinquent for six (6) months, or more, that fact shall be certified on March 1st of each year, to the tax assessing officer of the Township, whereupon such charge shall be by him entered upon the next tax roll as a charge against such piece of property or premises and the charges shall be collected and the Lien thereof enforced in the same manner as general Township taxes against such premises.

## **10. FUNDS COLLECTED**

### **10.1 In General**

All funds collected by the Township for the use of the System shall be received by the Township Treasurer and deposited in the Sewer and Water Fund which is hereby established for this purpose. Moneys on deposit in the Sewer and Water Fund where authorized by resolution of the Township Board shall be expended for any lawful purpose related to the operation, maintenance, construction, acquisition or debt service due on account of construction, acquisition or equipping of the system.

### **10.2 Special Assessments**

Except where special assessments are pledged to the retirement of bonds or other obligations issued by the Township, all special assessments collected for any part of the System shall be deposited in the Sewer and Water Fund.

## **11. METERS**

Meters shall be governed by the Chapter of this Ordinance which regulates the Water System.

## **12. CONNECTIONS**

### **12.1 Water Connections**

Water Connections shall be governed by the Chapter of this Ordinance which regulates the Water System.

### **12.2 Sewer Connections**

Connections to the sewer system shall be governed by the Chapter of this Ordinance which regulates the Sewer System.

## **13. COORDINATION WITH OTHER MUNICIPALITY**

The Township may delegate administrative duties and functions, including but not limited to, inspections, meter readings & billing, and maintenance to any other municipality if so provided by resolution of the Township Board.

**14. SEVERABILITY**

If any chapter, section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**15. CONFLICTS or REPEALER**

15.1 Conflicts

All Ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

15.2 Repeal of Ordinance No. G. 196

Ordinance No. G. 196 being the water rate ordinance entitled:

“AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH BY OPERATION OF THE MARION TOWNSHIP SEWER AND WATER SYSTEM ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN 1933, AS AMENDED, AND TO PRESCRIBE THE CHARGE RATES FOR THE USE OF SAID FACILITIES AND TO PROVIDE FOR OTHER MATTERS PERTAINING TO SAID SYSTEM” is repealed.

15.3 Repealer

If part or parts of this Ordinance are for any reason held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of remaining portion of this Ordinance.

**16. PUBLICATION**

This Ordinance shall be published once in full, in a newspaper of general circulation within the boundaries of the Township, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and filed with the County Clerk, and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

## **CHAPTER TWO – WATER**

### **1. DEFINITIONS**

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

- 1.1 "AWWA" American Water Works Association.
- 1.2 "Benefit Charge" allows 260 gal/day per Residential Equivalent.
- 1.3 "Commercial User" shall mean any user of the System other than a Residential User.
- 1.4 "Commodity Charge" shall mean a variable unit charge payable by a user based on the actual water consumption as determined in this ordinance.
- 1.5 "Commodity Surcharge" shall mean a variable unit charge payable by a user for any actual water consumed in excess of the allowance for which a Benefit Charge has been paid.
- 1.6 "Consumer" The person, or legal entity, served by or using water supplied by the Township.
- 1.7 "Consumer's Installation" – All pipes, valves, stops, plumbing and contrivances of every kind and nature used in connection with, or forming part of, the consumer's installation for using water for any purpose, connected directly or indirectly with the corporation stop at the main.
- 1.8 "Corporation Stop" - A valve which is inserted into the main for the connection of the water supply service pipes in sizes up to and including two (2) inches in diameter.
- 1.9 "Cross Connection" shall mean a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants could possibly flow back into the Water Distribution System because of a reversal of flow.
- 1.10 "Curb Box" - A box or metal housing which encloses, protects and provides access to the curb stop.
- 1.11 "Curb Stop" - A valve for insertion in the service pipes, in size of a minimum of three-fourths inch (3/4"), at or near the curb line.
- 1.12 "Department" - The division of water distribution and sewer service of the Township Marion.
- 1.13 "Director" shall mean the Director of Public Works or his authorized representative. The Director is the person designated by the Township to supervise the operation of the Marion Township Water System and Sewer System.
- 1.14 "Inspector" - The Marion Township Plumbing inspector or his designee.
- 1.15 "Lot" shall mean a parcel of land occupied or intended to be occupied by a main building. A lot may or may not be specifically designated as such on public records.
- 1.16 "Meter Box" - Any approved box or vault for the housing of water meter.

- 1.17 "Permittee" - A consumer or his agent receiving a permit from the Township allowing a connection to be made to the water system.
- 1.18 "Person" shall mean any individual, firm, partnership, association, public or private corporation or public agency or instrumentality or any other entity receiving sanitary sewer water service.
- 1.19 "Premises" shall mean each lot or parcel of land or building having any connection to the Water System.
- 1.20 "Service Cock" – A valve for installation in water service pipes, located at or near the main.
- 1.21 "Service Control Valve Box" – A box or metal housing which encloses, protects and provides access to the service control valve.
- 1.22 "Stop and Waste Valve" – A valve installed at the termination of the water supply service pipe of a minimum of three fourths inch (3/4") at the beginning of the consumer's installation.
- 1.23 "System" – Shall mean Water System.
- 1.24 "Tap" – The drilling and threading of an opening in a main for insertion of a corporation stop.
- 1.25 "Township" shall mean the Township of Marion, Michigan, a general law Township and any agent thereof.
- 1.26 "Township Board" – Shall mean the governing body of the Township of Marion.
- 1.27 "Water Connection" shall mean that part of the Water Distribution System connecting the water main to a point terminating at a meter or meter pit or vault.
- 1.28 "Water Service Pipe" shall mean that pipe connecting the curb stop with the premises served. This includes the connection from the curb stop to the meter.
- 1.29 "Water Distribution System" shall mean the entire System for distribution of potable water in the Township.
- 1.30 "Water Main" shall mean that part of the Water Distribution System located within easement lines or streets and designed to supply more than one (1) water connection.
- 1.31 "Water System" shall be understood to mean the complete facilities of the Township's Water Supply System including any future wells, water intake and filtration equipment, well houses, pumps, water storage facilities, and transmission lines, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired. It shall also consist of all plants, work, instrumentalities, lines and properties now or hereafter existing, used or useful in obtaining of a water supply, its treatment, distribution, and all other necessary functions, whether such installation is owned outright or used under lease or otherwise, by the consumer. The system may be comprised of separate facilities located in separate water supply districts. The system also includes all lines connecting it to the water system of the SWATH.

## 2. USE

## 2.1 Consumers Use of the Water System

Any person owning property within a water supply district established by the Township and conforming to the standards, rules and regulations established in or under terms of this Ordinance shall be permitted to receive water from the water system provided necessary water supply lines are in existence and abutting the consumer's property.

### 2.1.1 Required Connection

Each new residential, commercial, or industrial premise built, other than sheds, residential garages, and/or additions to existing structures, abutting the System or contained within a Township Water District within the Township, shall be required to connect to the System within sixty (60) days of delivery of notice to do so.

### 2.1.2 Turning on Water Service

No person other than an authorized employee of the Township shall turn on or turn off any water service at the curb stop. Water service shall not be turned on unless all charges, fees, etc. have been paid.

### 2.1.3 Turning Off Service

The Township reserves the right to terminate service to a consumer, after due notice has been given where payment for water supply has not been timely received, and/or for violation of Ordinance or any rules and regulations adopted pursuant thereto. The Township may shut off the water in any main to make repairs or extensions, or for any other necessary purpose at any time without notice to consumers.

2.1.3.1 The consumer shall maintain all service pipes free from leaks at all times. Whenever a leak appears in a consumer's installation, which allows water to escape without registering upon the meter, the Township shall give the consumer written notice thereof and the consumer shall immediately proceed to repair such service pipe. If such repairs have not been completed within 48 (forty-eight) hours after notice has been given, the Township may stop the service by shutting off the water at the curb stop or by excavating to and closing the corporation stop. The costs incurred by the Township of excavating and shutting off such service shall be paid by the consumer or by the owner of the property before service is restored. If, in the determination of the Township, any leak on the consumer's installation is of such nature that endangers public safety or constitutes a nuisance or a source of waste, the Township may shut off or stop such service until such leak is repaired.

### 2.1.4 Change of Consumer

When the premises are to be vacated or there is a change of owner, occupant or agent, prompt written notice shall be given to the Clerks Office. The consumer may discontinue service by giving not less than 24 (twenty-four) hours written notice to the Clerk's office during its regular office hours.

### 2.1.5. Outside Service Connections

Water main extensions, and domestic water connections to premise outside of water districts are prohibited, except where approved by the Township Board.

2.1.6 Water Extensions

The total expense of extending water mains shall be borne by the benefited property owners in accordance with provisions of a contract or by special assessments levied by the Township in accordance with State law.

2.2 Connection Permits Required, Applications; Deposits; Contents

2.2.1. Application

Any person desiring to connect to the water system shall file a written application to the Township Clerk, pay the water connection fee established by resolution of the Township Board and all other charges, fees, and costs as provided by this Ordinance which would include but not be limited to commodities surcharges and benefit charges. Further, the applicant shall pay any delinquent special assessment installment which are due and owing at the time of the application.

2.2.2 Permit Required

No person in the Township shall connect to the water system unless the proposed connection has been approved by the Township or its designated representative. Such application shall be made on forms provided by the Township and shall contain the street name, house number, lot number, the name of the plumber or contractor, the names of the applicant and the owner, the size of the service pipe required by the consumer, and any other pertinent information which may be required by the Township. An application must be made and approval obtained from the Township at least twenty-four (24) hours before the time a tap is to be made.

2.2.2. 1 Builders

Connection permits will be issued to builders if the prospective lessee or owner consents in writing to the obtaining of such permit by the builder.

2.2.3 Water connections shall be installed in accordance with the applicable building codes and regulations of this Ordinance and upon the payment of the required charges and fees.

2.2.4. Meters: All water furnished to structures through the Township's public water supply system shall be measured by a meter or meters installed, owned and controlled by the Township. The owner of a structure may, upon application and paying such costs and fees as determined from time to time by the Department of Public Works, have an additional meter installed for the separate metering of water used for lawn sprinkling or other use where the water used does not pass through the sanitary sewage disposal system. Duplex residences shall have separate meters and services installed for each dwelling unit. Townhouses or apartments may have separate meters and/or services installed for each dwelling unit upon payment of such costs and fees as determined from time to time by the Department of Public Works.



2.2.5. The expense of water pipe installation shall be paid by the applicant.

2.3 Use on One Connection; Limitation

2.3.1. Unless written approval is granted by the Township, separate premises shall have separate curb stops, service pipe installations, and shall be separately metered.

2.3.2. Whenever water is to be supplied to more than one (1) consumer located in a single building and supplied through one (1) service the property owner shall be responsible for the payment of water bills.

2.3.3. In no event shall a consumer extend service pipes or plumbing across any public way, or to an adjacent property in order to furnish service thereto, even though such adjacent property is owned by him.

2.4 Existing Private Wells

2.4.1. Construction of private wells in established water service districts is prohibited.

2.4.2. Private water wells that are located within a water supply district and are in operation prior in time to the establishment of the water supply district shall be abandoned or not connected in any way to any building connected to the water system by the property owner in accordance with procedures established by the Livingston County Health Department prior to connection to the Township Water System.

**3. SYSTEM PROHIBITIONS**

No person in the Township shall:

3.1 Willfully, negligently or maliciously break, damage, destroy, uncover, deface or tamper with or alter, any structure, property, appurtenance, equipment or any other item which is part of the Water System

3.2 Remove any water meter, water pipe, other water equipment or tools.

3.3. Prevent or circumvent a water meter from measuring water supplied by the water system

3.4. Fraudulently obtain water from the water system, or to waste water from the water system.

**4. ENFORCEMENT**

4.1. Penalties

Any person found to be violating any provision of this Ordinance shall be served 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. Any person convicted of a violation of any provision of this Ordinance, shall be punished by a fine of not more than \$500.00 (five hundred dollars), or by imprisonment of not more than 90 (ninety) days or both such fine and imprisonment in the discretion of the court.

- 4.2 A violation of this Ordinance is also declared to be a public nuisance and the Township may enforce same by injunction or other remedy, including the right to correct the violation and recover the cost of obtaining the necessary correction from the owner or person in charge of the premises therefore.

## 5. ESTABLISHMENT OF RATES

### 5.1 Purpose for Charges

- 5.1.1. Charges for the installation and use of the Water System are hereby established to recover the costs of administration, construction, reconstruction, maintenance of said system as are necessary to preserve the same in good working order, operation and replacement of the System and to provide for the payment of any debt service obligations of the Township as the same becomes due. Such charges shall be made in accordance with the provisions hereinafter set forth and shall be made against all premises which use the System.

### 5.1.2 Establishment of Rates

The rates for water service charges, connection fees and other charges are to be established by resolution of the Township Board, and may be established separately from time to time as necessary to ensure sufficiency of revenues in meeting the expenses of the water system. Rates need not be uniform for any separate water supply districts.

### 5.1.3 Publication

Following approval by the Township Board of the rates to be charged for the water service under this Ordinance, the rate schedule shall be published. Said notice is to be published in a newspaper of general circulation in the Township within thirty (30) days following approval by the Township Board.

### 5.2 Types of Water Supply Charges

#### 5.2.1 Commodity Charge

All the water use of residential, commercial, industrial and other consumers connected to the System shall be measured by meter and the consumers shall be charged a commodity charge for water usage.

#### 5.2.2 Readiness to Service Charge

Consumers of the Water System shall be charged a readiness to service charge. All consumers of the Water System, whether residential or nonresidential, shall be charged a flat rate based on anticipated water supply demand. Commercial and Industrial facilities with a fire suppression system shall be charged a flat rate depending upon the size of the fire service line.

#### 5.2.3 Connection Charge

The Township shall charge and the consumer shall pay as a precondition to connecting to the water mains of the System, a connection charge. The connection charge shall include the cost of a meter acquired by the Township, said charge shall be paid at the time that an application for permission to connect to the water mains of the System is requested.

5.2.4 Construction Charges

The property owner shall be responsible for the actual cost of construction of all lines from the water main to the premises to be served. The Township shall maintain ownership and maintenance responsibility from the main up to and including the curb stop.

5.2.5 Special Service Charges

The Township may charge its customers and the customers shall pay for the special services for which a rate shall be established.

5.2.6 The Cost of Turn On/Off Charges

The Township may establish a charge to the customer, and the customer shall pay the charge whenever the Township is requested to turn water services on or off, provided, however, that whenever the Township is requested to provide turn on or off service at times other than the regular business hours of the Township, the charge will be made on time and material basis. The established fee to turn water on shall be charged to a customer whose service has been disconnected because of non-payment of charge or fee due the Township.

5.2.7 Benefit Charges

Those persons owning lands in direct proximity to a Township Water District Main whose lands have not been subjected to a special assessment to pay for the construction of said main, and who make connection to said Water Main shall pay a benefit charge for the privilege of each connection to said main in addition to all other charges above provided, which benefit charge shall be established from time to time by resolution of the Township Board. Such benefit charge shall be paid in cash or in installments, with interest and penalties, all as shall be established and provided from time to time by resolution of the Township Board.

**6. PAYMENT FOR USE OF THE SYSTEM**

6.1 Responsibility for Payment

6.1.1 The owner of the premises served by the Water System shall be liable to the Township for any charges and fees authorized to be charged by this Ordinance.

6.1.2 When a single Water Service Pipe serves two (2) or more consumer units, the owner of the premises shall be responsible for payment of water used on the premises.

6.1.3 The owner of the premises as well as any user of the Water System at the premises shall be responsible to reimburse the Township for any and all administrative costs and fees incurred by the Township arising out of the use of "Miss Dig" services at the premises.

6.2 Billing, Collections and Customer's Payments

6.2.1 Meter Reading

Meters shall be read quarterly and annually as deemed necessary.

6.2.2 Bills

The Township shall tender bills for water service and all other charges in connection therewith. Bills for water service shall be sent to consumers by first class mail.

6.2.3 Quarterly water bills for users of the System shall be based upon the readiness to serve charge plus metered water consumption as set forth in the rate resolution.

6.2.4 Due Date of Charges

All bills shall be payable by the due date specified on the bills, and shall be paid at the Office of the Township in person or by mail.

6.2.5 Collections

The Township Treasurer shall collect all moneys due for water service and all other charges in connection with the Water System

6.2.6 Late Charges

If any charge for the services of the water which has been billed to a customer of the water system shall not be paid on or before the due date specified on the bill, a delayed payment charge of ten per cent (10%) of the amount of the bill shall be added thereto and collected therewith.

6.2.7 Unpaid Bills

If any bills for the service of the system shall remain unpaid after 30 (thirty) days following the due date specified on the bill therefore, the water supply for the lot, parcel of land, or premise affected may be cut off and if cut off shall not be turned on again except on payment in full of the delinquent charges therefore, and the fee charged for resumption of service. The Township shall send a notice to its customers of intent to terminate service.

If payment is not received, or satisfactory arrangements have not been made within seven (7) days after the shut off notice is sent to the consumer, the water service shall be shut off. No water service that has been discontinued because of nonpayment shall be restored until all past due bills are paid or satisfactory arrangements for such payment are made.

6.2.8 Non Receipt of Bill

Failure of the consumer to receive any bill shall not relieve him/her of the liability for the charges incurred, and the consumer shall notify the Township Clerk if a bill has not been received the 15th day after the end of a billing period.

6.2.9 Charges to Become a Lien Upon Premises

The Township shall have as security for the collection of water supply rates, assessments or charges due or to become due for the use and installation, repair, or maintenance to any house building, or premises, a lien upon the building or premises, lot or lots, upon which the Water System service was

supplied. This Lien shall become effective immediately upon the providing of the water system service to the premises or property supplied.

6.2.9.1 The lien created by this Ordinance shall have priority over all other liens except taxes or special assessments. The Lien created by this Ordinance shall not apply if a written lease has been legally executed containing a provision that the lessor shall not be liable for payment of water use charges, providing the lease was executed prior to the supply of water for which the charges are made and providing that the lessor has filed an affidavit with the Township Clerk verifying the execution of a lease containing such provision. The lessor shall give the Township twenty (20) days advance written notice of any cancellation, change, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

6.2.9.2 Charges for water services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall be made a lien on all premises served thereby. The charges for water furnished to any premises are hereby recognized to constitute such Lien and whenever any such charge against any piece of property or premise shall be delinquent for six (6) months, or more, that fact shall be certified on March 1st of each year, to the tax assessing officer of the Township. Whereupon such charge shall be by him entered upon the next tax roll as a charge against such piece of property or premises and the charges shall be collected and the Lien thereof enforced in the same manner as general Township taxes against such premises.

## 7. METERS

### 7.1 Meters Required: Use

- 7.1.1. All Township water used on any premises must pass through a water meter. Any bypass between the meter and the main is prohibited.
- 7.1.2. All premises using Township water shall be metered and shall pay for water at the rates specified.
- 7.1.3. Water meters shall be obtained from the Township.
- 7.1.4. All water meters existing and installed before the adoption of this Ordinance shall be maintained at the expense of the property and/or tenant.
- 7.1.5. Each water meter shall be served by its own Water Connection and Water Service Pipe unless another system incorporating exterior valves to control water flow to each meter is approved by the Township.

### 7.2 Water Meters; Type; Size Determination

- 7.2.1. Unless otherwise authorized by the Township, all meters shall be of the disc type.
- 7.2.2. All meters shall be under the control of the Township and shall be equipped with an instrument capable of being remotely connected and read away from the meter itself. Such instrument shall be installed on the exterior of the building as directed by the Township.

7.2.3. All new inside meters will require remote registers, or remote telephonic reporting as the Township may specify.

7.2.4. Size

When requesting connection to the Water System, the consumer shall furnish information about the amount of contemplated water supply demand and the Township shall determine the size and type of meter to be installed.

7.2.4.1. For usual single family domestic use and consumption water,  $\frac{3}{4}$  (three quarter) inch meter shall be installed by the consumer.

7.2.4.2. For multiple dwelling the meter size shall be one (1) inch for 2 (two) to 4 (four) dwellings and 1  $\frac{1}{2}$  inch (one and one half) for 5 (five) to 10 (ten) dwellings.

7.2.4.3. Except as stated above, where an application is made for a meter larger than  $\frac{3}{4}$  (three quarters) inch the Township shall determine whether a meter of such size is required or authorized.

7.2.4.4. The use of meters larger than 1  $\frac{1}{2}$  (one and one half) inch will be permitted only upon specific written approval by the Township after due consideration of pertinent factors, such as the probable effect of their demand on the installed capacity of Water Mains and water supply and the means of sewage disposal.

7.3 Water Meters, Installation, Location: Regulations

7.3.1. Meters shall be installed in readily accessible location and in a manner satisfactory to the Township.

7.3.2. A meter shall not be installed in a place where it cannot be readily reached by the meter reader.

7.3.3. All meters shall be installed horizontally in dry, clean, sanitary location and in such places that small leaks and the spilling of water will do no damage.

7.3.4. All meters shall be in a suitable location to prevent the pipes and meters from freezing in cold weather.

7.3.5. If a suitable and readily accessible location is provided in a dry basement sufficiently well heated to prevent freezing of the meter during the winter, the meter may be placed in the basement.

7.3.6. Where the premises contain no basements or cellar, the meter shall be installed in a location which shall be approved by the Township Manager.

7.3.6.1. Where it is necessary to install the meter in a pit outside a building, such Pit shall be built as directed by the Township.

7.3.6.2. With Township Manager approval and when a sump pump or drain is provided, meters may be installed below grade-line in a brick or first floor meter pit.

7.3.6.3. All meter pits shall be of brick or concrete, built in accordance with specifications furnished by the Township, with cover openings directly over meters.

7.4 Failure to Register, Water Usage, Amount

- 7.4.1. Estimated Consumption. If any meter or metering system fails to register properly or if a meter is inaccessible for reading, the department shall estimate consumption based on former consumption.
- 7.4.2. Should a meter become defective or fail to register correctly, the quantity of water used shall be determined by the amount used during the corresponding period of the preceding year, or at the option of the Township, by averaging the amount for the period immediately preceding and subsequent to the period wherein the meter registered quantities of water usage.

7.5 Water Meters, Test, Inspections

- 7.5.1. The accuracy of the meter on any premises will be tested by the Township upon written request of the owner and/or user who shall pay in advance a fee to cover the cost of the test. If on such test, the meter shall be found to register over three percent (3%) more water than passes through it, another meter will be substituted therefore, and the fee will be refunded, and the water bill will be adjusted from the immediately preceding and current billing periods, if appropriate in the judgment of the Township Board.

7.6 Meter Repairs

- 7.6.1. The expense of maintaining meters will be borne by the Township.

7.7 Meters, Seals, Tempering, etc., Prohibitions

- 7.7.1. Meters shall be sealed by the Township and no person except an authorized employee of the Township shall break such seals. No unauthorized person shall change the location of, alter or interfere in any way with any meter.

**8. CONNECTIONS**

8.1 Water Connections

8.1.1. Water Connections

Water Connections shall not be made unless the water main extends across the frontage of a lot to be served or across the frontage of the lot facing one (1) street in the case of a corner lot.

8.2 Tapping Mains, Applications, Requisites

- 8.2.1. All taps shall be made after proper application for service by consumers or their authorized agents.
- 8.2.2. All connections to the System shall be made by a licensed contractor with the proper tools and equipment for performing connections to the Systems mains. All taps and connections to the Water Main shall be installed at the main by the Township or under direct supervision of the Township.

### 8.2.3 Location

Before an owner, user, or contractor installs a Water Service Pipe, he shall obtain from the Township the location for making the connection of the water service. The terminus of the Water Service Pipe shall be located such that the Water Service Pipe is installed to the Water Main in a straight line perpendicular to the main, and there are no obstructions such as driveways, manholes, trees, fire hydrants, or any other obstacles.

### 8.2.4. Single corporation stops, or pipe saddles, will be used to supply services or private mains.

8.2.4.1. Connection of services up to one and one-fourth (1 1/4) inch to the Township main shall be through a corporation stop with branch connections making an angle of forty-five (45) degrees from the vertical to the water main service proper.

8.2.4.2. On one and one-half inch (1 1/2") and two inch (2") services, a saddle will be required.

8.2.4.3. On approved three (3) inch services, a four (4) inch connection at the main and four (4) inch valve shall be required. Approved services four (4) inches and over shall have the same size connection as the service.

### 8.2.5. No permittee shall turn water off or on at the corporation or stop cock to any service pipe, except to make repairs and test work after which he shall leave it off or on as he found it. No unauthorized person shall turn the water off or on at the corporation or stop cock.

### 8.2.6. Pipe from the main to the curb stop shall be a minimum grade Type K soft tensor copper not less than 3/4 (three quarters) in diameter.

### 8.2.7 All holes or trenches dug in the public streets or roads shall be backfilled to a minimum of 95% (ninety-five percent) density by thoroughly tamping dry sand in layers not to exceed 6" (six inches). All excavated material shall be entirely removed from the street. Excavated material that is wet, or otherwise unfit for backfill, shall be entirely removed and the backfilling done with suitable dry sand hauled in for that purpose. Work shall be in accordance with the requirements of the Livingston County Road Commission.

8.2.7.1 Tunneling under streets will be prohibited except by special permission of the Livingston County Road Commission and the Director of Utilities. Open cuts shall be allowed in graveled streets with prior Road Commission approval.

8.2.7.2 Connections under hard surfaced paving shall be made only by boring or jetting with the prior approval of the Livingston County Road Commission and the Township Director of Utilities.

## 8.3 Service Control Valves, and Curb Boxes

### 8.3.1. Location



The customer will provide and install a shut off valve in the form of a service cock curb box one (1) foot outside of the outer sidewalk line, or as near the road right-of-way line as may be convenient.

- 8.3.2. An approved type round way, inverted core, Minneapolis pattern, tee head curb stop of good bronze material shall installed on all three fourth inch (3/4"), one inch (1"), one and one-half inch (1 1/2"), and two inch (2") service lines at a point as near the road right-of-way line as practical and permissible.
- 8.3.3. Valves of non-rising stem gate valves or plug type valves may be used for the larger size connections. They shall be of approved standard manufacture, and housed in an approved type service or roadway valve boxes.
- 8.3.4. A cast iron extension curb box of an approved pattern shall be centered over the curb stop so that it is readily accessible for turning on and off by Township representatives. Curb stop boxes shall be Buffalo type, with 2-1/2 (two and one half inch) shaft, 4-1/2 foot (four and one half) to 6 (six) foot long, in two (2) sections with a lid. The top of the stop box shall be so placed that it is never below the grade nor over three inches (3") above grade and must be set on a brick or concrete foundation to prevent settlement.
- 8.3.5. No person is permitted to turn water on or off at the curb stop except for the testing of his work, in which event the curb stop shall be left in the same condition and position as he found it.

#### 8.4 Water Service Pipe: Installation, Requirements

- 8.4.1 Water Service Connections shall be installed in accordance with State and local building regulations. Water Service Connections shall also be installed in compliance with the following, specifications:
- 8.4.2. The connection of the Type K copper service pipe to the corporation stop shall be made by using an approved adapter fitting.
- 8.4.3. Water Connections and Water Service Pipes shall be installed in a separate trench from the sewer service. The Water Service Pipe may not be placed in the same trench with the building drain. The Water Service Pipe and the building sewer must be a minimum of ten feet (10') apart.
- 8.4.4 All Water Service Pipe on either private or public property shall be laid on a solid trench bottom not less than four and one-half feet (4-1/2') under ground or below the established grade.
- 8.4.5. The consumer shall continue the Water Service Pipe connection from the valve at the road right of way line to the riser pipe and valve inside the building entirely at his expense.
- 8.4.6. The service line from the main to the premises shall have an inside diameter no smaller in diameter than three-fourth inch (3/4"). All service pipes of two inches (2") or less in diameter shall be of U. S. Government specification Type K cooper tubing; other service pipe materials must be approved by AWWA. Those over two inches (2") in diameters may be of ductile iron.
- 8.4.7. The water service pipe shall be laid to provide for earth settlement and for contraction and expansion through arching or beading to form an expansion

loop in the form of a half "S" bend, and shall contain at least six inches (6") of excess material to provide for settlement and flexibility.

- 8.4.8. There shall be no joints between the curb stop and the meter unless commercial lengths are not available to allow for this provision (for instance, because of excessive building setbacks). Only three (3) part flared unions shall be used for connections in copper pipes and all other types of flared unions are prohibited.
- 8.4.9. Plugged tees, or other accessible outlets between the meter and the main are prohibited. No connections or outlets shall be made on this line other than for fire fittings. It shall be unlawful for the customer, or any employee or agent of the customer, to make any connections on or use said sprinkler system for any purpose or purposes other than for fire protection; and any other use thereof shall be and constitute a violation of this Ordinance and also the general Ordinances of the Township.
- 8.4.10. Any repairs to any Water Service Pipe shall be made at the expense of the owner whose premises are served by the Water Service Pipe.

#### 8.5 Completion of Work, Inspection Required

- 8.5.1. Upon completion of any new service pipe installation or repairs, it shall be the duty of the permittee to obtain approval by the Livingston County Plumbing Inspector before covering same.
- 8.5.2. The service trench shall not be covered, backfilled, or filled until the tap has been completed and the Livingston County Plumbing Inspector has approved the installation. Clean earth or sand shall be carefully tamped every two feet (2') above the top of the service line. This material shall be carefully and solidly rammed with proper tools. The use of clay for such purpose is prohibited.
- 8.5.3. If any building drainage or plumbing system or part thereof which is installed, altered or repaired, is covered, it shall be uncovered for inspection after notice to the plumber, contractor, owner, or other person to uncover the work has been issued either by the Township or the Livingston County Plumbing Inspector.
- 8.5.4. A separate gate valve must be placed on the water service pipe just inside the building wall so that the water may be turned off and drained from the pipe in the event of accident or in order to make repairs. Such stop shall be equal in quality to the curb stop.

#### 8.6 Repair

- 8.6.1. Water Service Pipe from the curb stop and all Water Service Pipe from the property line to the meter shall be the responsibility of the owner of the premises.
- 8.6.2. Any plumber called upon to shut off water and drain pipes in any premise shall do so inside the building only.
- 8.6.3. Damage to Pipes and Meter. Persons taking water must keep their Water Service Pipe and their meter protected from frost and hot water at their own expense. Where the Water Service Pipe or meter is damaged by frost or hot water, the service pipe shall be repaired by a licensed plumber, to be employed

and paid by the customer. The water meter shall be repaired by the Township at the expense of the customer.

**9. HYDRANTS AND USE**

- 9.1 All water mains hydrants on private property shall be installed at the property owner's expense and shall be conveyed to the Township by the property owner, and at his expense the property owner shall provide a recorded easement sufficient for maintenance and repair of the same.
- 9.2 No person shall open a Township-owned fire hydrant without the express permission of the Township Manager, excepting a municipal fire department, which may at any time open a fire hydrant for the purpose of obtaining water for extinguishment of fires.

**10. CROSS-CONNECTIONS RULES ADOPTED**

10.1 Cross Connection; Prohibition

- 10.1.1. Cross connections shall be prohibited. It shall be unlawful for any person to make, permit to be made, or permit to make any cross connection on any lot or parcel of land owned or occupied by him.
- 10.1.2. The Township adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Public Health being R325.11401 to R325.11407 of the Michigan Administrative Code, as amended.

10.2 Inspections

It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where a cross connection with the public water supply is deemed probable. The frequency of inspections and reinspection based on potential health hazards involved shall be established by the Township. The cost of inspection as determined by the Township shall be borne and paid by the property owner upon which the inspection takes place.

10.3 Entry Rights

The Director, or his designee, shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the Township, for the purposes of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such inspection or refusal or access, when requested, shall be deemed prima facie evidence of the presence of cross connections.

10.4 Cross Connection Shutoff

Where contamination of any water main is an immediate possibility or where contamination of any main occurs and a cross-connection is found, the Township may order the water to be immediately shut off without giving notice to the owner or occupant of land as prescribed herein.

10.5 Correction Required

Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of the Ordinance.

10.6 Protection and Notification

The potable water supply made available on the properties served by the Water Supply System shall be protected from possible contamination as specified by this Ordinance and by the State and County Plumbing Code as adopted by Livingston County. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

\*\*\*\*\*  
\*WATER UNSAFE FOR DRINKING\*  
\*\*\*\*\*

10.7 Supplemental

That this Ordinance does not supersede any State of Michigan or Livingston County Plumbing Code or Ordinance, and it shall be supplementary to such other lawful regulations as may from time to time be adopted.

10.8 The Township is authorized and directed to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the Water System. Water service to the land in question shall not be restored until either the cross-connection has been eliminated, or evidence furnished and access permitted to enable the Township to determine that no cross-connection prohibited by this Chapter exists.

**11. COORDINATION WITH OTHER MUNICIPALITY**

The Township may delegate administrative duties and functions, including but not limited to, inspections, meter readings & billing, and maintenance to any other municipality if so provided by resolution of the Township Board.

**12. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

## CHAPTER THREE - SEWER

### 1. PURPOSE AND POLICY

This is a chapter of ordinance regulating private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and providing for pollutant limitations, data collection, monitoring and sampling, and providing for penalties for the violation thereof, in the Township of Marion, County of Livingston, State of Michigan.

The objectives of this Ordinance are:

- 1.1 to prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the systems or contaminate the resulting municipal sludge;
- 1.2 to prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- 1.3 to improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- 1.4 to provide for equitable distribution of the cost of municipal wastewater system.

### 2. DEFINITIONS

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

- 2.1 Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 2.2 Applicable County Health Department shall mean the County Health Department.
- 2.3 Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, or for environmental matters of the company. Authorization for this representative must be submitted in writing to the Township by the individual designated in (a) and (b) hereof.
- 2.4 Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20<sup>0</sup> centigrade expressed in terms of weight and concentration (milligrams per liter).

- 2.5 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- 2.6 Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- 2.7 Bypass. The intentional diversion of waste streams from any portion of a User's pretreatment facility.
- 2.8 Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- 2.9 Chemical Oxygen Demand (COD). A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- 2.10 Chlorine Demand shall mean the difference between the amount of chlorine applied and the amount of free chlorine available at the end of the contact time, expressed in milligrams per liter.
- 2.11 Combined Sewer shall mean a sewer receiving both surface runoff and sewage.
- 2.12 Commercial Waste shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.
- 2.13 Compatible Pollutant. A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.
- 2.14 Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- 2.15 Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 2.16 Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State.
- 2.17 Director shall mean the director of public works, or his authorized representative.
- 2.18 Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

- 2.19 Garbage shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- 2.20 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 without consideration of time.
- 2.21 Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 2.22 Incompatible Pollutants. Any pollutant which is not a compatible pollutant.
- 2.23 Indirect Discharge. The discharge or the introduction of nondomestic pollutants into the POTW (including holding tank waste discharged into the system).
- 2.24 Industrial Wastes. The wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- 2.25 Infiltration shall mean any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- 2.26 Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow.
- 2.27 Inflow shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.
- 2.28 Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Township's NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.
- 2.28 Laboratory Determination. The measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this division.
- 2.29 Lateral Line. That portion of the sewer system located under the street or within the street right-of-way from the property line to the trunk line and which collects sewage from a particular property for transfer to the trunk line.
- 2.30 Majority Contributing Industry. Any industrial user of the publicly owned treatment works that:
- 1) has a flow of 50,000 gallons or more per average work day;

- 2) has a flow greater than five percent of the flow carried by the municipality receiving the wastes;
- 3) has in its waste, a toxic pollutant in toxic amounts as defined in the standards under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- 4) is found by the permit issuance authority in connection with the issuance NPDES Permit to the publicly owned treatment works receiving the waste, to significantly impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. All major contributing industries shall be monitored.

- 2.31 National Categorical Pretreatment Standard or Pretreatment Standard. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Industrial Users.
- 2.32 National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- 2.33 National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- 2.34 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- 2.35 New Source. Any building, structure facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act will be applicable to the source if the standards are thereafter promulgated in accordance with section 307(c), and if any of the following provisions apply:
- 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 the discharge of pollutants at an existing source.
  - 3) The production of wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which a new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent.

Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has 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. (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 items 2) or 3) above but otherwise alters, replaces, or adds to existing process or production equipment.)



- 2.36 Normal Domestic Sewage (NDS). Wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; nor than 240 mg/l of suspended solids; nor more than 5 mg/l of phosphorus; no more than 100 mg/l of fats, oils and grease; no more than 20 mg/l of total Kjeldahl nitrogen.
- 2.37 Obstruction. Any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the trunk line. This shall include, but not be limited to objects, sewage, tree roots, rocks and debris of any type.
- 2.38 Operation and Maintenance means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of replacement.
- 2.39 Owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.
- 2.40 Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 2.41 pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 2.42 Pollutant. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.
- 2.43 Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 2.44 POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 2.45 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
- 2.46 Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW, including National Categorical Pretreatment Standards.

- 2.47 Private Sewer Lines. All service lines and equipment for the disposal of sewage installed or located on any property, from the property line to and including any structure or facility which exists on the property.
- 2.48 Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- 2.49 Property Owner. The owner of the property which abuts the street.
- 2.50 Publicly Owned Treatment Works (POTW). A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Township. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, users of the Township's POTW.
- City of Howell POTW. POTW shall also include a treatment works owed by the City of Howell, Michigan, which receives and treats wastewater from the Township in accordance with a continue \_\_\_\_\_ the Township and the City of Howell entitled " \_\_\_\_\_ " and dated \_\_\_\_\_.
- 2.51 Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 2.52 Replacement means the replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.
- 2.53 Sanitary Sewage shall mean a liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.
- 2.54 Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.
- 2.55 Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater as may be present.
- 2.56 Sewage Treatment Plant or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.
- 1) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- 2.57 Sewer shall mean a pipe or conduit for carrying sewage.
- 2.58 Sewer Service Charge means the sum of the applicable user charge, surcharges and debt service charges.

- 2.59 Severe Property Damage. Substantial physical damage to property, damage to the User's pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.
- 2.60 Shall is mandatory; Must is mandatory; May is permissive.
- 2.61 Significant Industrial User. Any Industrial User of the Township's wastewater disposal system who (a) is subject to National Categorical Pretreatment Standards; (b) has a discharge flow of 25,000 gallons or more per average work day; or (c) has a flow greater than 5% of the flow in the Township's wastewater treatment system; or (d) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act State Statutes and rules; or (e) is found by the Township, Michigan Department of Environmental Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- 2.62 Significant Noncompliance shall mean one or more of the following:
- 1) Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;
  - 2) Technical Review Criteria violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH).
  - 3) Any other violation of a daily maximum limit or an average limit that the director determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public;
  - 4) Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;
  - 5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a Township-issued discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - 6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, and/or reports on compliance with compliance schedules;

- 7) Failure to accurately report noncompliance; and
  - 8) Any other violation, or group of violations, which the director determines as adversely affecting operation or implementation of the Township's pretreatment program.
- 2.63 Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- 2.64 Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 2.65 State. State of Michigan.
- 2.66 Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 2.67 Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.68 Superintendent. The person designated by the Township to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this article, or his duly authorized representative. This means the City of Howell POTW Superintendent.
- 2.69 Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Township shall be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.
- 2.70 Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- 2.71 Township. The Township of Marion, Michigan, its agents and employees.
- 2.72 Toxic Pollutant. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- 2.73 Trunk Line. The main sewer line located under any street or within any street right-of-way which collects and transmits the sewage of the various properties served by the sewer system.
- 2.74 Uncontaminated Industrial Waste shall mean wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.
- 2.75 Upset. An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed

treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- 2.76 User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
- 2.77 User Charge means a charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to section 204(b) of PL 92-500 and includes the cost of replacement.
- 2.78 User Class means the kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.
- 2.78.1 Residential User shall mean a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).
- 2.78.2 Industrial User shall mean any user who discharges "industrial wastes" as defined in this ordinance.
- 2.78.3 Commercial User shall mean an establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- 2.78.4 Institutional User shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- 2.78.5 Governmental User shall mean any federal, state or local government user of the wastewater treatment works.
- 2.79 Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 2.80 Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 2.81 Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### 3. ABBREVIATIONS

The following abbreviations shall have the designated meanings:

1. BOD - Biochemical Oxygen Demand
2. CFR - Code of Federal Regulations
3. COD - Chemical Oxygen Demand
4. EPA - Environmental Protection Agency
5. l - liter
6. mg - milligrams
7. mg/l - milligrams per liter
8. NDS- Normal Domestic Sewage
9. NPDES - National Pollutant Discharge Elimination System
10. P-Phosphorus
11. POTW - Publicly Owned Treatment Works
12. SIC - Standard Industrial Classification
13. SICM - Standard Industrial Classification Manual
14. SS - Suspended Solids
15. SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
16. O&M - Operation and Maintenance
17. CWA - Clean Water Act
18. DEQ & MDEQ – Michigan Department of Environmental Quality

#### **4. UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED**

- 4.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage or other objectionable waste.
- 4.2 It shall be unlawful, when sewage and/or treatment facilities are available, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the applicable county health department.
- 4.3 It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department or as hereinafter provided.
- 4.4 The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Township, is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so.

#### **5. PROCESS WASTEWATER**

##### **5.1 Wastewater Contribution Information**

Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the information listed below with the Director. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the information listed below.

The Director may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the information listed below on a disclosure form prescribed by the Township:

- 5.1.1 Name, address and location (if different from the address)
- 5.1.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- 5.1.3 Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
  - 5.1.3.1 "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, current edition.
  - 5.1.3.2 "Manual of Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, current edition.
  - 5.1.3.3 "Annual Book of Standards, Part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.
- 5.1.4 Time and duration of contribution.
- 5.1.5 Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
- 5.1.6 Industries identified as Significant Industrial Users or those required by the Township 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.
- 5.1.7 Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- 5.1.8 Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Pretreatment Requirements, and a statement regarding whether or not the Pretreatment Requirements are being met on a consistent basis and if not, whether additional Operation and Maintenance and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Requirements.
- 5.1.9 If additional pretreatment and/or O&M will be required to meet the Pretreatment Requirements, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
  - 5.1.9.1 The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Requirements.

- 5.1.9.2 No increment referred to in paragraph (1) shall exceed 9 months.
- 5.1.9.3 Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Director.
- 5.1.10 Each product produced by type, amount, process or processes and rate of production.
- 5.1.11 Type and amount of raw materials processed, average and maximum per day.
- 5.1.12 Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- 5.1.13 Any other information as may be deemed by the Township to be necessary to evaluate the impact of the discharge on the POTW.
- 5.1.14 The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
- 5.1.15 The Township will evaluate the complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Township shall notify the User of the acceptance thereof.

5.2 Discharge Modifications

Within three (3) months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected existing Industrial Users must submit to the Township the information required by paragraphs 1.h and 1.i of Section 5.

5.3 Discharge Conditions

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User Charges, and fees established by the Township. The Township may:

- 5.3.1 Set unit charges or a schedule of User Charges and fees for the wastewater to be discharged to the POTW;
- 5.3.2 Limit the average and maximum wastewater constituents and characteristics;
- 5.3.3 Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
- 5.3.4 Require the installation and maintenance of inspection and sampling facilities;
- 5.3.5 Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;



- 5.3.6 Establish compliance schedules;
- 5.3.7 Require submission of technical reports or discharge reports;
- 5.3.8 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;
- 5.3.9 Require prompt notification of the Township in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- 5.3.10 Require immediate notification of all discharges that could cause problems to the POTW, including slug discharges;
- 5.3.11 Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance;
- 5.3.12 Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities;
- 5.3.13 Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes;
- 5.3.14 Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements;
- 5.3.15 Control through permit, order, or similar means, the contribution to the POTW by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five years, require nontransferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, and contain a statement of applicable penalties for violations;
- 5.3.16 Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.

#### 5.4 Baseline Reports

- 5.4.1 Within 180 days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Director the information specified by R323.2310(2) subdivisions (a) through (g).
- 5.4.2 At least 90 days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Township the information specified by 40 CFR, Section 403.12(b), paragraphs (1)-(5). New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable

pretreatment standard and shall give estimates of the required information regarding flow and pollutant discharge.

- 5.4.3 Industrial users shall report any changes to information in the reports required by paragraphs 4(a) and (b) of this section to the Director within 60 days.

5.5 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Users subject to equivalent mass- or shall contain a reasonable measure of the long-term production rate. For Users subject to Categorical Pretreatment Standards expressed per unit of production, the report shall include the actual production during the sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User, and certified to by a qualified representative.

5.6 Periodic Compliance Reports

- 5.6.1 Any User or New Source discharging into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3.c. of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.
- 5.6.2 The Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph a. of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.
- 5.6.3 If a User is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the Township, using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.
- 5.6.4 If sampling performed by a User indicated 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 submit the results of re-analysis to the Township within 30 days after becoming aware of the violation, except when the

Township will be performing scheduled surveillance sampling/analysis within this 30-day period.

5.7 Notification of Hazardous Waste Discharges

All Users shall notify the POTW, the EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR 403.12(p). In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must provide notification of the discharge of such substance within 90 days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5.8 Monitoring Facilities

The Township may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Township and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township.

5.9 Inspection and Sampling

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

5.10 Pretreatment

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal

Pretreatment Regulations and as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the User's initiation of the changes.

The Township will annually publish in the major local newspaper a list of the Users which were in Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the User(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or MDEQ upon request.

#### 5.11 Confidential Information

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

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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.

#### 5.12 Signatory Requirements

All reports required by this Section shall be signed by the Authorized Representative of Industrial User and include the following certification statement:

"I certify under penalty of 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, the information submitted is, 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 fine and imprisonment for knowing violations."

If the Authorized Representative of Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Sec. 2., Authorized Representative of Industrial User, Item (c), must be submitted to the Township prior to or together with any reports to be signed by that representative.

## **6. PRIVATE SEWAGE DISPOSAL**

- 6.1 Where a public sewer is not available under the provisions of Section 4.4, the building sewer shall be connected to an approved private sewage disposal system.
- 6.2 Before commencement of a private sewage disposal system, the owner shall first apply to the County Health Department for a soil evaluation test. The fee shall be determined by the County Health Department, and shall be paid to the County Health Department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a Permit for Installation for the proposed sewage system. He shall include plans, specifications and other information as deemed necessary by the County Health Department. At the time the application is filed, the fee determined by the County Health Department for the permit and inspection shall be paid.
- 6.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven (7) days of the receipt of notice by the County Health Department. All persons receiving a permit for a private sewer disposal system shall provide the Township with copies of all final approved inspection reports issued by the County Health Department.
- 6.4 The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the County Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- 6.5 At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 4.4, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned for sanitary use and filled with a suitable material.
- 6.6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
- 6.7 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

## **7. BUILDING SEWER AND CONNECTIONS**

- 7.1 No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the director. No building sewer shall be covered until after it has been inspected and approved by the Director.
- 7.2 The property owner or his agent shall make application or sewer permit on a form furnished by the Township. The permit application shall be supplemented by any plans,

specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. A connection fee, in an amount established by resolution of the Township Board, shall be paid to the Township Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.

- 7.3 All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the property owner.
- 7.4 All liabilities incident to the installation and connection of the building sewer shall be borne by property owner. The property owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 7.4.1 It shall be the duty of each property owner to maintain, clean and repair the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of obstructions and in good working order and to maintain and keep clear of obstructions the lateral lines servicing his property.
- 7.4.2 It shall be the duty of the Township to maintain, clean and repair as necessary and at its expense the sewer trunk lines and to repair or replace any broken or crushed lateral lines. The Township shall not be responsible for cleaning or maintenance of lateral lines.
- 7.4.3 In the case of a bona fide dispute as to whether needed maintenance, cleaning or repair of a portion of sewer line is the responsibility of the property owner or the Township under the provisions of this Ordinance, it shall be the duty of the property owner to establish that the obstruction, disrepair or defect has occurred in that portion of the line for which the Township is responsible.

If the property owner fails to establish the Township responsibility, it shall be the property owner's responsibility to perform the necessary maintenance as provided in this Ordinance. If the Township responsibility is established, the Township shall perform the necessary maintenance and shall reimburse the property owner for reasonable expenses incurred in locating the defect in the line or in otherwise establishing the Township responsibility.

The property owner shall be responsible under this Ordinance for the total maintenance and repair of the private sewer lines on his property and for the maintenance and cleaning, although not including major repair, of the entire sewer line out to the trunk line.

The Township, on the other hand, is responsible for major repair of the trunk line and lateral lines only and has no responsibility of any sort for the private lines. The Township also has no responsibility to clean the lateral lines.

- 7.4.4 Any property owner who shall violate the provisions of this Ordinance shall be liable to the Township for civil damage incurred in correcting the defect, and in addition, shall be guilty of a misdemeanor.

If any property owner fails to maintain a private sewer line as required by this ordinance, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the County Health Officer and the defect may be corrected by the Township. Any costs so incurred shall be assessed against the property and become a lien on the property if not timely paid.

- 7.5 A separate and independent building sewer shall be provided for every building of different ownership. If the buildings have same ownership and one building stands at the rear of another or an interior (lot), and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, then the building sewer from the front building may be extended to the rear building.
- 7.6 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this article.
- 7.7 The building sewer shall be constructed of vitrified clay sewer pipe or cast iron soil pipe, as approved by the Director. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Director.
- 7.8 The size and slope of the building sewer shall be subject to approval by the Director, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.
- 7.9 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.
- 7.10 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Director, and discharges to the building sewer.
- 7.11 All joints and connections shall be made gaslight and watertight. All joints shall be approved by the Director.
- 7.12 No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
- 7.13 All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
- 7.14 All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards."

## **8. USE OF THE PUBLIC SEWERS**

### **8.1 General Discharge Prohibitions**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state or local Pretreatment Standards or requirements. The Township may refuse to accept any wastes

which will cause the POTW to violate its NPDES discharge limits. A User shall not contribute the following substances to any POTW:

- 8.1.1 Any liquids, solids or gases, including but not limited to waste streams with a closed cup flash point of less than 140°F, which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- 8.1.2 Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, 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.
- 8.1.3 Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- 8.1.4 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307(a) of the Act.
- 8.1.5 Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including 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.
- 8.1.6 Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 8.1.7 Any substance which will cause the POTW to violate its Discharge Permit or the receiving water quality standards.
- 8.1.8 Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 8.1.9 Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).



- 8.1.10 Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
- 8.1.11 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- 8.1.12 Any wastewater which causes a hazard to human life or creates a public nuisance.
- 8.1.13 Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.
- 8.1.14 Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- 8.1.15 Any waste from individual sewage disposal systems except at the POTW Treatment Plant as provided in Section 9 except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.
- 8.1.16 Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
- 8.1.17 Any trucked or hauled wastewater, except as specifically allowed by the Director.

8.2 Specific Pollutant Limitations

8.2.1 Toxic pollutants

Under no circumstances shall any person discharge wastewater containing in excess of:

- 1. .067 mg/l arsenic
- 2. .005 mg/l cadmium
- 3. .19 mg/l chromium (total)
- 4. -- mg/l chromium (hexavalent)
- 5. .32 mg/l copper
- 6. .003 mg/l cyanides
- 7. .38 mg/l lead
- 8. .2 ug/l mercury
- 9. .12 mg/l nickel
- 10. .008 mg/l silver
- 11. 2.48 mg/l zinc
- 12. 1.0 mg/l total phenols
- 13. -- mg/l polychlorinated biphenyls

8.2.2 Conventional Pollutants

Except as authorized by the Director, no person shall discharge wastewater containing in excess of:

1. 250 mg/l BOD<sub>5</sub>
2. 250 mg/l total suspended solids
3. 40 mg/l total Kjeldahl nitrogen
4. 10 mg/l total phosphorus
5. -- mg/l COD
6. 100 mg/l by weight of fat, oil or grease
7. -- mg/l iron
8. 15 mg/l chlorine demand, at 30 minutes

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

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

8.2.4 If any waters are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the Township may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

1. Reject the wastes.
2. Require pretreatment to the level defined as "Normal Domestic Sewage".
3. Require control over the quantities and rates of discharge.
4. Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges.
5. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Township permits the pretreatment or equalization or waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township and shall be subject to the requirements of all applicable codes, ordinances and laws.

### 8.3 National Categorical Pretreatment Standards

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

Existing Users subject to new National Categorical Pretreatment Standards shall achieve compliance within three years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New Sources subject to National Categorical Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed ninety days after beginning to discharge.

### 8.4 State Requirements

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

### 8.5 Township's Right of Revision

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

### 8.6 No User shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premise connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Township.

Downspouts and roof leaders shall be disconnected from sanitary sewers within six (6) months of the date of this Ordinance. If this is not done, the Township shall perform this work and bill the User.

Storm water, groundwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Water Resources Commission.

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

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

- 8.9 The Township may prohibit the admission into the public sewers or any waters or wastes as follows:
- 8.9.1 Containing any quantity of substances having the characteristics described in Section 8.1.a or 8.1.b, or
  - 8.9.2 Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Township, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average daily Township flow for a period of one hour or more, shall be subject to review and approval of the Director.

Where necessary in the opinion of the Township, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus, and total Kjeldahl nitrogen to concentrations given in 8.2.; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.2., or control the quantities and rates of discharge of such waters or wastes.

- 8.10 Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) two hundred (200) parts per million of biochemical oxygen demand or (2) two hundred forty (240) parts per million by weight of suspended solids or (3) five(5) parts per million by weight of phosphorus or (4) forty (40) parts per million by weight of total Kjeldahl nitrogen and where such wastes are permitted to be discharged to the sewer system by the Director, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Township. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Township wastewater treatment plant.

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

- 8.11 When required by the Township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- 8.12 All measurements, tests and analyses of the characteristics of water to which reference is made in subsections 1 and 8 of Section 8, shall be determined in accordance with the latest edition at the time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection 6, Section 5, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour

composite of all outfalls of a premise is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:

- 8.12.1 One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, such person would be involved with the prevention of accidental discharges of process wastes admitted to the sanitary sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.
- 8.12.2 This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be cataloged. An estimate of daily average flows and strengths must be made including process, cooling, sanitary, etc. Such a determination shall separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Township.
- 8.12.3 The industrial representative shall determine whether or not large process alterations will occur during the next few years; one year, two years, and five years. Management should be consulted to determine if such alterations are scheduled and forthcoming.
- 8.12.4 A sketch of the plant building(s) must be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment should be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system should be included on the plant layout sketch.
- 8.12.5 There must be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the wastewater treatment plant. Supervision and operation of the pretreatment equipment for spent concentrations as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this Ordinance is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.
- 8.12.6 Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and sumps within the containment area must be plugged and sealed. Spill trough and sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

- 8.12.7 An adequate sampling vault or manhole must be provided in an accessible place for the wastewater treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the treatment plant and receiving stream. Should the Township desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 110 volt AC. Samples collected could be divided between the industry and Township for analysis if so desired by the industry. The sampling vault should be located so as to give access by Township personnel without entering the industrial property.
- 8.12.8 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, processing or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing the report, the portion of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance. The National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit, and/or the pretreatment programs; wastewater constituents and characteristics will not be recognized as confidential information. 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 10-day notification is given to the user.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a MDEQ approved drainage outlet.

Agents of the Township, County Health Department, Michigan Department of Environmental Quality of U.S. Environmental Protection Agency, shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and copying applicable pretreatment records.

- 8.13 To determine the sewage flow from any establishment, the Director may use one of the following methods:
- 8.13.1 The amount of water supplied to the premises by the Township or a private water company as shown upon the water meter if the premises are metered, or
- 8.13.2 If such premises are supplied with river water the amount of water supplied from such sources as estimated by the Director from the water, gas or electric supply, or
- 8.13.3 If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Director from the water, gas or electric supply, or
- 8.13.4 The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in

accordance with the terms and conditions of the permit issued by the Director pursuant to Section 7, or

8.13.5 A figure determined by the Director by any combination of the foregoing or by any other equitable method.

8.14 Excessive Discharges

Except where expressly authorized to do so by an applicable National Categorical Pretreatment Standard, no User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Township or State.

8.15 Combined Wastestreams

The following definitions apply to the terms used in this section:

8.15.1 "Wastestream" means wastewater from a particular process.

8.15.2 "Regulated Wastestream" means wastewater from a particular process that is subject to a Categorical Pretreatment Standard.

8.15.3 "Combined Wastewater" means any combination of regulated streams and wastestreams not subject to a Categorical Pretreatment Standard.

8.15.4 "Combined Treatment Facility" means the equipment and processes used to reduce the mass or concentration of pollutants in a combined wastestream before discharge to a sanitary sewer system.

When a Regulated Wastestream is mixed before treatment with other wastewaters, the Superintendent may calculate alternative limits for the Combined Wastestream using one or both of the following equations, as applicable:

Where:

$C_i$  = the Categorical Pretreatment Standard concentration limit for a pollutant in Regulated Wastestream  $i$ ;

$CT$  = alternative concentration limit for the Combined Wastestream;

$M_i$  = the Categorical Pretreatment Standard mass limit for a pollutant in Regulated Wastestream  $i$ ;

$MT$  = alternative mass limit for the pollutant in the Combined Wastestream

$N$  = total number of Regulated Wastestreams;

$F_i$  = the average daily flow over at least 30 days of the Regulated Wastestream to the extent that it is regulated for the pollutant;

$FT$  = the average daily flow over at least 30 days from the following:

8.15.5 Boiler blowdown, non-contact cooling water, storm water, and demineralizer backwash streams, except the Director may exclude a stream if the user has

requested the change in classification and provided in the data (engineering data, production data, monitoring results, or other information) demonstrating that the wastestream contains a significant amount of pollutant and the combination of the wastestream before treatment with regulated streams will result in a substantial reduction of that pollutant:

8.15.6 Domestic wastewater; or

8.15.7 Regulated Wastestreams that the Director exempts from Categorical Pretreatment Standards for one or more of the following reasons:

- 1) the pollutants of concern are not detectable in the effluent from the user;
- 2) the pollutants of concern are presently only in trace amounts and are neither causing nor likely to cause toxic effects;
- 3) the pollutants of concern are present in quantities too small to be effectively reduced by established treatment technologies; or
- 4) the wastestream contains only pollutants are compatible with the sanitary sewer system.

8.15.8 When deriving alternative limits, the Director may calculate both a daily maximum limit and a monthly average limit, where applicable in the Categorical Pretreatment Standard.

8.15.9 The user shall comply with the alternative limits until the Director modifies the limits.

8.15.10 The user shall immediately report to the Director any significant changes in the values used to calculate the alternative limits. Necessary changes to the alternative limits will be made within 30 days after such changes are reported.

8.15.11 The Director may impose alternative discharge limits determined by best professional judgment when it is determined that the calculation of the alternative discharge limits according to this section is not practicable.

8.15.12 When necessary to ensure that neither dilution nor mixing is used instead of treatment to achieve compliance with the applicable limits, the Director may require segregated treatment of wastestreams or other measures.

## 8.16 Accidental Discharge

Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. The Township will evaluate, at least once every two years, whether a User without said protection will be subjected to these requirements. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance. If required by the Township a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and



approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

8.16.1 Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

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

#### 8.17 Upset Provision

An Upset shall constitute an affirmative defense by Users in unintentional and temporary noncompliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements, provided it can be proved that:

8.17.1 An Upset occurred and the User can identify the cause(s) of the Upset;

8.17.2 The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

8.17.3 The User submitted the following information to the Township within twenty-four hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

- 1) A description of the discharge and cause of noncompliance;
- 2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- 3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

8.17.4 The upset did not create a fire or explosion hazard in the POTW, cause corrosive structural damage to the POTW, or result in the presence of toxic vapors, gases, or fumes within the publicly owned treatment works in a quantity that may cause worker health or safety problems.

If the above information is provided orally, a written submission must be provided to the Director within five (5) days of the oral notification.

In any enforcement proceedings, the User seeking to establish the occurrence of an Upset shall have the burden of proof.

8.18 Bypass Provision

Bypass producing a discharge which violates applicable National Categorical Pretreatment Standards or Pretreatment Requirements is prohibited, and the Township may take enforcement action against a User for such Bypass, unless: the Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage; there were no feasible alternatives to the Bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (except where adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to operate during normal periods of equipment downtime or preventive maintenance); and the User submitted required notices.

If the User knows in advance of the need for Bypass, a prior notice shall be submitted to the Township at least ten (10) days before the date of the Bypass. The Township may approve or disapprove this anticipated Bypass, after considering its adverse effects.

8.18.1 User shall submit oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Requirements to the Township within twenty-four (24) hours from the time the User becomes aware of the Bypass. Unless waived by the Township, a written submission shall then be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, 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.

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

**9. DISPOSAL AT WASTEWATER TREATMENT PLANT**

Waste from individual sewage systems may be accepted with permission of the Superintendent at the Wastewater Treatment Plant. No waters or wastes described in Section 8.1 of this ordinance, shall be disposed of at the Wastewater Treatment Plant.

Rates for disposal at the Wastewater Treatment Plant shall be determined by the Superintendent at the time of acceptance.

**10. FEES FOR INDUSTRIAL PRETREATMENT**

10.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Wastewater treatment works for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the Township's Schedule of Charges and Fees and shall be in accordance with the City of Howell – Marion Township Wastewater Treatment Contract dated June 30, 1997.

10.2 Description of Charges and Fees

- 10.2.1 for reimbursement of costs of setting up and operating the Pretreatment Program,
- 10.2.2 for monitoring, inspections and surveillance procedures,
- 10.2.3 for reviewing accidental discharge procedures and construction,
- 10.2.4 for filing appeals,
- 10.2.5 for permit applications or transfers,
- 10.2.6 for consistent removal by the City of Howell of pollutants otherwise subject to Federal Pretreatment Standards,
- 10.2.7 and others as the Township may deem necessary to carry out the requirements contained herein.
- 10.2.8 Additional surcharges may be made by the Township to compensate the Township for the cost of treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW.
- 10.2.9 There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each Industrial User.

The charges and fees for the services provided by the system shall be levied upon any User which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater used thereon or therein.

**11. PROTECTION FROM DAMAGE**

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

**12. MUNICIPAL LIABILITY**

The Township shall not be responsible for interruptions of services due to natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the user that all connected equipment remain in good working order so as not to cause disruption of service of any sewer or treatment plant equipment.

**13. POWER AND AUTHORITY OF INSPECTORS**

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

**14. ENFORCEMENT/PENALTIES**

14.1 Administrative Remedies - General

The Director may suspend wastewater treatment services to any User when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or may cause interference to the POTW, or causes or may cause the POTW to violate any condition of its Discharge Permit.

The Director may revoke, suspend, or terminate the wastewater discharge permit of any User which (a) fails to accurately report the wastewater constituents and characteristics of its discharge; (b) fails to report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the User's premises by representatives of the Township for the purpose of inspection or monitoring; or (d) violates the conditions of this Ordinance or any final judicial order entered with respect thereto.

A User shall have an affirmative defense in any action brought against it alleging the introduction of a pollutant causing interference at the POTW, pass-through at the POTW, or a violation of the specific provisions of the Ordinance if it can be demonstrated that both of the following occurred

- 1) It did not know or have reason to know that its discharge, alone or in conjunction with discharge or discharges from other sources, would cause pass-through interference, or a violation of specific provisions of this ordinance, and
- 2) A local limit was in effect for the pollutant that caused pass-through or interference, and the User was in compliance with this local limit directly before and pass-through or interference; or a local limit was not in effect for the pollutant that caused the pass-through or interference, and the User's discharge directly before and during the pass-through or interference did not change substantially in nature or constituents from the prior discharge activity.

#### 14.2 Administrative Notices and Orders

14.2.1 When it is determined that a User has violated any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement, the Director will issue a Notice of Violation to formally document the noncompliance. This document will specify the nature of the violation, establish a date by which the violation shall be corrected, and notify the affected User that failure to correct the violation would constitute a further violation which may result in additional enforcement action. The Notice of Violation will be sent via first-class mail or personally served on an Authorized Representative of the User. Receipt, or non-receipt, of a Notice of Violation shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.

14.2.2 When it is determined that a User has violated any provision of this Ordinance, Industrial Waste Permit or Order issued hereunder, or other Pretreatment Standard or Requirement, the Director may issue an Administrative Order to Show Cause requiring the affected User to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This document will specify the nature of the violation, establish the time and place for the hearing, and notify the affected User that failure to comply would constitute a violation of this Ordinance which may result in additional enforcement action. The Order to Show Cause will be issued at least ten (10) days prior to the hearing,

and will be sent via certified mail/return receipt requested or personally served on an Authorized Representative of the User. Receipt, or non-receipt, of an Order to Show Cause shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Show Cause or conducting of the show cause hearing shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.

- 14.2.3 When the Township and an affected User agree to a violation and to the remedial solution, the Director may issue an Order of Consent or similar document to formally establish such agreement, specify the nature of the violation, and required actions (such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities management practices designed to control the User's discharge to the sewer). This Order of Consent will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User, and will require signatures of representatives from both the Township and the affected User. An Order of Consent or similar document shall have the same force and effect as other administrative orders issued by the Township pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order of Consent or similar document shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Consent Order or similar document shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.
- 14.2.4 When the Director and affected User do not agree to the violation or to the remedial solution, the Director may issue an Order to Achieve Compliance. This document will specify the nature of the violation and include required actions such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the User's discharge to the sewer. An Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected User, and will be sent via certified mail/return receipt requested, or personally served on an Authorized Representative of the User. An Order to Achieve Compliance shall have the same force and effect as other administrative orders issued by the Township pursuant to this Ordinance, shall be judicially enforceable, and shall not modify the requirements or extend the deadline for compliance established by a Pretreatment Standard or Requirement. Receipt, or non-receipt, of an Order to Achieve Compliance shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Order to Achieve Compliance shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.
- 14.2.5 When the Township finds that a User has violated and continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement, the Director and Township Attorney may jointly issue a Cease and Desist Order requiring the affected User to eliminate the violation within twenty-four (24) hours or face suspension of sewer service. This document will specify the nature of the violation, and require that the violation cease. If the violation has not been corrected within 24 hours following issuance of the order, the Township may suspend sewer service without further notice until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge

requirements. A Cease and Desist Order will be personally served on an Authorized Representative of the User. Receipt, or non-receipt, of a Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the User.

- 14.2.6 Whenever the Township finds that a User's discharge is in violation of any provision of this Ordinance or any permit issued hereunder and that the violation creates or threatens to create an emergency situation such as damage to the sanitary sewer system, pass-through or interference to the wastewater treatment plant, hazard to (receiving water), endangerment to the public health and safety, or violation of any condition of the NPDES permit issued to the Township, the Director and Township Attorney will jointly issue an Emergency Cease and Desist Order notifying the affected User to eliminate the violating discharge immediately or face service severance via a temporary plug in its sewer connection at any time and without further warning. This document will specify the nature of the violation, and require that the violating discharge cease until such time as the affected User is able to demonstrate to the Township that it can comply with the discharge requirements. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action. An Emergency Cease and Desist Order will be personally served to an Authorized Representative of the User, or may be delivered verbally via telephone to an Authorized Representative of the User and then served personally. Receipt, or non-receipt, of an Emergency Cease and Desist Order shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.
- 14.2.7 Except for emergency situations covered under Section 14.2.6, whenever the Township finds that a User's continuing violation warrants revocation of its permit or privilege to discharge into the Wastewater System, the Director and Township Attorney will jointly issue a Notice of Termination to warn of the impending suspension of the sewer service up to and including severance via temporary plug in the affected User's sewer connection. This document will specify the date and the time of scheduled service suspension in order to allow the affected User to either voluntarily cease the violating discharge or arrange appropriate actions such as production shut-down or alternative means of wastewater disposal. This document will also establish the time and place for a hearing where the affected User shall present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further will notify the affected User of its liability for any costs incurred by the Township to conduct this enforcement action. A Notice of Termination will be personally served on an Authorized Representative of the User at least ten (10) days before the scheduled service suspension. Receipt, or non-receipt, of a Notice of Termination shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of a Notice of Termination shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.
- 14.2.8. In addition to the sanctions, orders, liabilities, and other remedies prescribed herein, a User shall be liable to the Township for any and all fines, penalties, and

associated legal and other costs incurred or expended by the Township as the result of any violation of the Township's Discharge Permit that is attributable, in whole or in part, to the User's violation of this Ordinance or a permit issued to the User hereunder.

#### 14.3 Administrative Fines

When the Township finds that a User has violated or continues to violate any provision of this Ordinance, an Industrial Waste Permit or Order issued hereunder, or other Pretreatment Standard or Requirement, an administrative fine may be assessed against the affected User in an amount up to \$500 per violation. Each day during which the violation occurred or continues to occur may be deemed a separate violation and, in the case of a violation of monthly or other long-term average discharge limits, the fine may be assessed for each day during the period of averaging. Receipt, or non-receipt, of an administrative fine shall in no way relieve the affected User of any and all liability associated with the violation. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, any other enforcement actions by the Township against the affected User.

#### 14.4 Rights of Appeal

Except for emergency situations covered under Subparagraph 2.f of this section, any User desiring to dispute a Notice of Violation or order of the Township, pursuant to this Ordinance, including but not limited to fines, may present a written request for reconsideration. Such a request shall be submitted to the Supervisor within ten (10) days of first being notified of the corresponding order for all but a Notice of Termination, where such a request shall be submitted within five (5) days of notification. If, in the opinion of the Director, the request has merit, he will convene a hearing on the matter as soon as possible to collect testimony of appropriate persons, take evidence, and render a final determination. In the event the affected User's appeal is unsuccessful, any original fine will become immediately due and the Township may also add any additional costs incurred to administer this appeal. Further appeal of the Supervisor's final determination shall be governed by applicable State law. Submittal of an appeal shall in no way relieve the affected User of any and all liability associated with the violation. An appeal shall not stay the corresponding order, or limit any other enforcement proceedings by the Township against the affected User.

#### 14.5 Judicial Penalties

When the Township finds that a User has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement, the Township Attorney may petition the Circuit Court of this County for appropriate legal and/or equitable relief.

##### 14.5.1 Injunctive Relief

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both as may be appropriate. This action will be sought to restrain or compel activities on the part of the affected User.

A petition for injunctive relief shall in no way relieve the affected User of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

#### 14.5.2 Civil Penalties

A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable for a civil penalty of up to five-hundred dollars (\$500) per violation. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The affected User will also be liable for all costs incurred by the Township for associated enforcement action such as reasonable attorney's fees, court costs, additional sampling and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon the Township for NPDES permit violations that result in whole or in part from the User's violation and expenses associated with remediation of sites thereby contaminated. The Township Attorney may petition the court to impose, assess, and recover sums up to this limit of liability. In determining the appropriate amount of civil penalty to seek, the Township may take into account all relevant circumstances including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the affected User as a result of the violation, corrective actions implemented or proposed to be implemented by the affected User, and history of compliance or noncompliance by the affected User.

A suit for civil penalties shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

#### 14.5.3 Criminal Prosecution

##### 1) Violations - Generally

A User who has willfully or negligently violated or continues to willfully or negligently violate any provision of this Ordinance, Industrial Waste Permit or order issued hereunder, or other Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five-hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

##### 2) Falsifying Information

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, Industrial Waste Permit or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five-hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or



other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

3) Tampering

A User who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance, Industrial Waste Permit or order issued hereunder, or Pretreatment Standard or Requirement will be liable to criminal prosecution. If convicted, the affected User will be guilty of a misdemeanor and may be punished by a monetary penalty of up to five hundred dollars (\$500) per violation, imprisonment for up to ninety (90) days, or both. Each day during which the violation occurred or continues to occur may be deemed a separate distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of averaging.

Criminal prosecution shall not be a bar against, or a prerequisite for, any other actions by the Township against the affected User.

**15. RECORDS RETENTION**

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

**16. USER CHARGE SYSTEM**

16.1 Established, Basis for Computations

Rates and charges for the use of the wastewater system of the Township shall be based upon the methodology in the user charge system approved by the MDEQ. Revisions to the rates for total sewer service charges are to be established by resolution of the Township Board, which may be enacted apart from the published Ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. User charges for operation, maintenance and replacement shall be subject to the annual review of the user charge system. User charges shall be the same for all customers of the system regardless of geographical boundaries. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the sewer system of the Township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Such charges shall be based upon the quantity of water used thereon or therein.

16.2 Amounts, Billings, Sewer Service Charges

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, by such equitable method as shall be

determined by the Township, and shall be collected quarterly except in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that unreasonable additional burden is placed upon the system, greater than that imposed by the normal domestic sewage delivered to the system plant, the additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the Township may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Township before discharging such sewage into the sewage disposal system. Rates for all users obtaining all or part of their water supply from sources other than the Township water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the Township.

16.3 Annual Audit

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary by the Township Board by resolution to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost.

16.4 No Free Service

No free service shall be allowed for any user of the wastewater treatment works.

16.5 Billing

Billing for wastewater service shall be the Township's responsibility which may if it chooses to contract with another municipality to perform this function. All water and/or sewer meters shall be read quarterly and bills rendered quarterly.

**17. ANNUAL NOTIFICATION**

The Township will annually publish in the largest local newspaper a list of all Categorical Users that were in Significant Noncompliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against such users during the same twelve months.

All customers of the Township' wastewater treatment works will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer into its components for operation, maintenance and replacement and for debt service.

**18. VALIDITY, SEVERABILITY, CONFLICT**

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

- 18.2 All laws and parts of laws, all ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this chapter, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this article.

## CHAPTER FOUR

### CONNECTION CHARGES AND TRANSFER OF PRE-PAID CONNECTION AMOUNTS FOR SEWER AND/OR WATER

#### 1. PURPOSE

This Chapter will set forth the rules which apply to persons who have pre-paid charges for connection to the system either through cash payments to the Township or special assessments against benefited real estate and thereby received a right to connection to the sewer system, the water system or both. This chapter sets forth when and if such right to connect (hereafter referred to as "Connections") may be transferred to another parcel of real estate.

#### 2. CHARGES ESTABLISHED BY RESOLUTION

The charges for connection to the Township sewer and water shall be established by a resolution adopted by the Township Board and published thereafter as required in section 16, of chapter one of this ordinance.

#### 3. SALE OF CONNECTIONS

If permitted by Township Resolution, any person owning a Connection, with the permission of the Director, re-sell the Connection to the sewer system or the water system or both, as the case may be to the Township for an amount to be established by the resolution of the Township Board. In any situation where the Township purchases Connections any future unpaid installments of special assessments relating thereto shall be paid by the Township from the Sewer and Water Fund with interest.

#### 4. TERMS AND CONDITION APPLYING TO SALE OF RIGHT TO CONNECTIONS

The Township Board may attach any terms and conditions which it deems in the interest of the Township to Connections purchased by the Township.

#### 5. RESALE OF CONNECTIONS

The Township may resell connections to either the sewer system or the water system or both to any person, firm or corporation under such terms and conditions as may be approved by the Township Board. The proceeds of any such sale shall be deposited in the Sewer and Water Fund.

#### 6. NO SALE OF CONNECTIONS EXCEPT TO THE TOWNSHIP

No Connections to the sewer system or water system or both shall be subject to sale to anyone except by the Township, any attempt to do so shall be null and void and not recognized by the Township.