

Ordinance No. 26

SANITARY SEWER CONNECTION, USE AND RATES TOWNSHIP OF COVERT Eff. Sept. 14, 1989 Revised March 14, 2014

An Ordinance to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of sewage and wastes into the Covert Sanitary Sewer System; to provide for the connection to and the fixing and collection of rates and charges for the use of the Sanitary Sewer System; and to provide penalties for ordinance violations.

THE TOWNSHIP OF COVERT ORDAINS:

ARTICLE I

SHORT TITLE

Sec. 101. **SHORT TITLE.**

This Ordinance shall be known as the "Covert Sanitary Sewer Connection, Use and Rate Ordinance" and may be cited as such. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE II

DEFINITIONS

Sec. 201. **DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) **B.O.D. OR BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days of 20 degrees C., expressed in PPM by weight.
- (2) **BUILDING DRAIN.** That part of the lowest piping of a drainage system which receives the discharge of Sewage or Wastes from soil, waste and other drainage pipes inside of the walls of the building and conveys said discharge to the Building Sewer.
- (3) **BUILDING SEWER.** The extension from the Building Drain which conveys its discharge of Sewage or Wastes to the Service Connection or Lateral or other place of disposal.
- (4) **CESSPOOL.** An underground pit into which raw Domestic Sewage or other untreated liquid waste is discharged, and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (5) **C.O.D. OR CHEMICAL OXYGEN DEMAND.** The oxygen consuming capacity of inorganic or organic matter present in Sewage.

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- (6) **COMPATIBLE POLLUTANT.** The pollutants which are treated and removed to a substantial degree by the Sewage Treatment Facility. These pollutants include but are not limited to B.O.D., S.S., pH and fecal coliform.
- (7) **COUNTY.** The County of Van Buren, Michigan.
- (8) **DISTRICT.** The general area located in the unincorporated Village of Covert in the Township and served by the System.
- (9) **DOMESTIC SEWAGE.** The liquid wastes from all habitable buildings and residences and shall include human excreta and wastes from sinks, lavatories, bathtubs, showers, laundries, and all other water-carried wastes of organic nature either singly or in combination thereof.
- (10) **DOSING SIPHON.** A bell and siphon arrangement which controls intermittent flow of effluent from the Dosing Tank into the Subsurface Disposal System according to the compression of air under the bell.
- (11) **DOSING TANK.** A watertight tank or receptacle used for the purpose of retaining the overflow of effluent from a Septic Tank, until discharged by a Dosing Siphon or pump.
- (12) **GARBAGE.** Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, sale and storage of produce.
- (13) **HEALTH DEPARTMENT.** Van Buren County Health Department.
- (14) **INDUSTRIAL WASTES.** The liquid wastes, solids, or semisolids from industrial processes as distinct from Domestic Sewage.
- (15) **INSPECTION FEE.** The amount charged to each applicant by the Township at the time an application is made to the Township for connection to the System to cover the routine cost of inspecting and approving the physical connection of a Building Sewer to the Service Connection and the issuance of a connection permit.
- (16) **INSPECTOR.** The Health Department or other person responsible for inspecting connections of Building Sewers to the Public Sewer or his duly authorized representative, as designated by the Township.
- (17) **MAY.** Is permissive.
- (18) **MG/L.** Milligrams per liter.
- (19) **MISCELLANEOUS USER FEE.** The amount charged to Users for miscellaneous services and related administrative costs associated with the System.
- (20) **NPDES PERMIT.** The National Pollution Discharge Elimination System Permit issued to the Township by the SWRC.
- (21) **NATURAL OUTLET.** Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.

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- (22) **NORMAL STRENGTH.** Sewage or Wastes, the concentration of which do not exceed B.O.D. of 300 MG/L, S.S. of 300 MG/L and phosphorus of 10 MG/L, which have a pH between 6.5 and 9.5 and which do not contain a concentration of other constituents which will interfere with the normal sewage treatment process.
- (23) **NUISANCE.** Without limitation, any condition where Sewage or the effluent from any Sewage Disposal Facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any Natural Outlet; or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property.
- (24) **OPERATION AND MAINTENANCE.** All costs, direct and indirect, inclusive of all expenditures attributable to administration, Replacement and treatment and collection of Sewage and Wastes, necessary to insure adequate treatment and collection of Sewage or Wastes on a continuing basis in conformance with the NPDES Permit, and other applicable regulations.
- (25) **pH.** The negative logarithm of the concentration of hydrogen ions in solution, in grams per liter.
- (26) **PPM.** Parts per million.
- (27) **PERSON.** Any individual, firm, company, association, society, corporation or group.
- (28) **PROPERLY SHREDDED GARBAGE.** Garbage that has been shredded or cut 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 inch in any dimension.
- (29) **PUBLIC HEALTH CODE.** Act 368 of the Public Acts of Michigan of 1978, as amended.
- (30) **PUBLIC SEWER.** The System, which is owned and controlled by the Township.
- (31) **REPLACEMENT.** Expenditures and costs for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service of life of the System to maintain the capacity and performance for which the System was designed and constructed.
- (32) **SANITARY SEWER.** A Sewer which carries Sewage or Wastes. Storm, surface, and ground waters are not normally admitted to a Sanitary Sewer.
- (33) **SEEPAGE PIT.** A cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints to allow Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.
- (34) **SEPTIC TANK.** A watertight tank or receptacle used to receive Sewage or Wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and similar waste lines and is intended to provide for the separation of substantial portions of the Suspended Solids in such Sewage or Wastes and the partial decomposition by bacterial action of solids so separated.

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- (35) **SERVICE CONNECTION OR LATERAL.** The extension of the Public Sewer laterally from the main collector sewer to the property line of the lot or parcel of property adjacent to the right of way of the Public Sewer, including force mains, connector pipes and appurtenances, but not including the Building Sewer.
- (36) **SEWAGE DISPOSAL FACILITIES.** Any Toilet Device, Cesspool, Seepage Pit, Septic Tank, Subsurface Disposal System, or other devices used in the disposal of Sewage or Wastes.
- (37) **SEWAGE TREATMENT FACILITY.** The physical plant designated to receive and treat the raw, untreated Sewage or Wastes of the properties located in the District and served by the System, including Septic Tanks, the Subsurface Disposal System, Dosing Tanks, Dosing Siphons, groundwater monitoring wells, earthwork, roadways and all appurtenances.
- (38) **SEWAGE WORKS.** All public facilities for collecting, pumping, treating and disposing of Sewage and Wastes, including all Service Connections, mains, the Sewage Treatment Facility and appurtenances.
- (39) **SEWAGE OR WASTES.** Any combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, including Industrial Wastes and Domestic Sewage.
- (40) **SEWER.** Any pipe, tile, tube or conduit for carrying Sewage or Wastes.
- (41) **SEWER RATES AND CHARGES.** The Inspection Fee, User Charge, User Surcharge, Miscellaneous User Fee and the civil penalty imposed pursuant to Section 305.
- (42) **SHALL.** Is mandatory.
- (43) **SLUG.** Any discharge of water, Sewage, or Industrial Wastes which, in concentration of any given constituent or in quality of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (44) **STORM SEWER OR STORM DRAIN.** A Sewer which carries storm or surface waters, or drainage, but excludes Sewage or Wastes and polluted Industrial Wastes.
- (45) **STRUCTURE IN WHICH SANITARY SEWAGE OR WASTES ORIGINATE.** A building in which toilet, kitchen, laundry, bathing or other facilities which generate Sewage or Wastes are used or are available for household, commercial, industrial or other purposes.
- (46) **SUBSURFACE DISPOSAL SYSTEM.** An arrangement for distribution of Septic Tanks effluent or overflow beneath the ground surface (also referred to as a "drainfield system" or a "soil absorption system").
- (47) **SUPERVISOR.** The Supervisor of the Township or his or her authorized representative.

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- (48) **S.S. OR SUSPENDED SOLIDS.** Solids either floating on the surface or suspended in water, Sewage or Wastes, or other liquids and which are removable by laboratory filtering and biologic process.
- (49) **SYSTEM.** The Sewage Works and Sewage Treatment Facility and all appurtenances thereto, known as the Covert Sanitary Sewer System.
- (50) **SWRC.** The State Water Resources Commission or any of its affiliates, the Michigan Department of Health, and Michigan Department of Natural Resources.
- (51) **TOILET DEVICE.** Any device which generates Domestic Sewage.
- (52) **TOWNSHIP.** The Township of Covert, located in Van Buren County, Michigan, and/or its duly authorized agent or representative.
- (53) **TREASURER.** The Treasurer of the Township, or his or her duly authorized deputies, assistants or agents.
- (54) **U.S. EPA.** The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.
- (55) **UNIT OR UNITS.** A standard of measuring the relative quantity of Sewage or Wastes and the Benefits derived from the disposal thereof ordinarily arising from the occupancy of a single family residential dwelling unit (but such term shall not necessarily be related to actual use arising from any such swelling unit) and shall be defined or determined from time to time by the Township through its Township Board. Said units are set forth in Appendix I to this Ordinance, according to the type of use to which the properties are put. Any use not enumerated in Appendix I shall, in the discretion of the Township Supervisor, upon authority of the Township Board, possess those Units which attached to the property based upon the most similar use enumerated in Appendix I. [For Appendix I, see 25.370.]
- (56) **USER.** The recipients of the services provided by the System including premises which are connected to and discharge Sewage or Wastes into the System and shall consist of the following classes:
- a. **“Residential User”-** A User whose premises (i) are domiciles for single or multiple family use and (ii) discharge only Domestic Sewage.
 - b. **“Governmental User”-** A User whose premises (i) are publicly-owned facilities performing local government functions (e.g. government office building, post office, library, school) and (ii) discharge only Domestic Sewage.
 - c. **“Commercial User”-** A User whose premises (i) are privately owned and used to perform and/or sell services and/or products for profit (e.g. retail and wholesale stores, restaurants, motels, gasoline stations) and (ii) discharge primarily Domestic Sewage.
 - d. **“Institutional User”-** A User whose premises (i) are owned by a non-profit organization pursuant to Section 501 of the Internal Revenue Code of 1986, as amended (e.g. churches, hospitals) and (ii) discharge primarily Domestic Sewage.
 - e. **“Industrial User”-** A User whose premises (i) discharge more than the equivalent of 50,000 gallons per day (gpd) of Sewage or Wastes (which may, at

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the discretion of the Township, be exclusive to Domestic Sewage) and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A. Agriculture, Forestry and Fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, Communication, Electrical, Gas and Sanitary Service
- Division I. Services

(For purposes of this subparagraph, the equivalent of 50,000 gpd of Sewage or Wastes shall be determined on an actual volume basis or by the weight of B.O.D. or S.S. equivalent to that weight found in 25,000 gpd of Normal Strength Sewage or Wastes); or (ii) discharge Sewage or Wastes containing toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the Sewage Works and Sewage Treatment Facility, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a nuisance, or creates any hazard in or has an adverse effect on the water receiving any discharge from the Sewage Treatment Facility.

- (57) **USER CHARGE.** A charge based on Units levied on Users of the System for the User's proportionate share of the cost of Operation and Maintenance (including Replacement) and debt service on the debt incurred by the Township to acquire and construct the System.
- (58) **USER SURCHARGE.** A charge imposed on a User of the System who discharges Sewage or Wastes in excess of Normal Strength.
- (59) **WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

Sec. 301. DEPOSIT OF SEWAGE OR WASTES UPON PUBLIC OR PRIVATE PROPERTY.

No Person shall place, deposit, or permit to be placed or deposited in any unsanitary manner upon public or private property within the District any Sewage or Wastes. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 302. POLLUTED DISCHARGES TO NATURAL OUTLET.

No Person shall discharge to any Natural Outlet within the District any Sewage or Wastes, or other polluted waters except where suitable treatment has been provided in accordance with standards established by the SWRC, U.S. EPA and this Ordinance. (ord. No. 26 eff. Sept. 14, 1989)

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Sec. 303. FACILITIES CONSTRUCTED OR MAINTAINED BY PERSON.

Except as provided in this Ordinance, no Person shall construct or maintain in the District any Sewage Disposal Facilities. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 304. CONNECTION REQUIREMENT.

The owners of all Structures in which Sanitary Sewage or Wastes originate, now situated or hereafter constructed within the District and abutting on any right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a Public Sewer of the Township, provided, that the Public Sewer is not more than two hundred (200) feet at the nearest point from the Structure in which Sanitary Sewage or Wastes originates, are hereby required at their expense to connect said structure's Building Sewer directly to the Public Sewer in accordance with the provisions of this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 305. TIME LIMIT FOR CONNECTION.

As a matter of public health, all connections to the Public Sewer required hereunder, shall be completed no later than ninety (90) days after the last to occur of the date of official notice by the Township to make said connections or the modification of a structure so as to become a Structure in which Sanitary Sewage or Wastes originates. Persons who fail to complete a required connection to the Public Sewer within such ninety (90) days period shall be liable for a civil penalty equal in amount to the User Charges that would have accrued and been payable had the connection been made as required.

Sec. 306. SERVICE PLATS.

Plats for premises located in the District and subdivided into four or more lots or parcels shall not be approved by the Township after the effective date of this Ordinance unless, without regard to the two hundred (200) foot requirement of Section 304, an extension to the Public Sewer is constructed to and serving all lots in the plat in compliance with the construction and capacity requirements of the Township as reviewed by the Township engineer, all at the cost of the owner of the premises. This is intended to implement the provisions of the Subdivision Control Act of 1967 (Act 288 of the Public Acts of Michigan of 1967, as amended). (ord. No. 26 eff. Sept. 14, 1989)

Sec. 307. FAILURE TO COMPLETE CONNECTION.

A Person who fails to complete a connection to the Public Sewer required by this Article III shall be subject to notice and the rights of the Township under the Public Health Code to bring action for a mandatory injunction or suitable court order to compel such connections. (ord. No. 26 eff. Sept. 14, 1989)

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ARTICLE IV

PRIVATE SEWAGE DISPOSAL

Sec. 401. WHERE PUBLIC SEWER IS NOT AVAILABLE.

If a Public Sewer is not available to a parcel of land located in the District under provisions of Article III, the Building Sewer shall be connected to private Sewage Disposal Facilities constructed in compliance with requirements of the Health Department, the Public Health Code and the SWRC. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 402. OPERATION AND MAINTENANCE OF FACILITIES.

The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 403. ADDITIONAL REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Township, the Health Department, the SWRC or any other governmental agency with jurisdiction over the District. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 404. WHEN PUBLIC SEWER BECOMES AVAILABLE.

At such time as a Public Sewer becomes available to a parcel served by private Sewage Disposal Facilities, as provided in Article III, the Building sewer shall be connected to the Public Sewer in compliance with this Ordinance. The private Sewage Disposal Facilities shall be cleared of sludge, any kind of cover removed and be abandoned for sanitary use by filling with suitable materials, or otherwise required by the Health Department. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE V

BUILDING SEWERS AND CONNECTIONS

Sec. 501. PERMIT REQUIREMENT.

No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb the Public Sewer without first obtaining a written permit from the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 502. PERMIT APPLICATION.

A connection to the Public Sewer shall be made only by authorized contractor or plumber upon written authorization and a permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a special form furnished by the Township and

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shall be accompanied by payment of any civil penalty which has accrued pursuant to Section 305, above, payment of the applicable Inspection Fee, provision for payment of all costs relating to construction of the Service Connection or Lateral pursuant to Section 505 hereof, the plans and specifications of all plumbing construction within the premises, and any other information required by the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 503. APPROVAL OF PERMIT APPLICATION.

The approval of permit application shall be subject to (a) compliance with all terms of this Ordinance, including all payments required by Section 502 hereof, and all orders, rules and regulations of the Health Department and the SWRC, (b) the availability of capacity in the System, including Compatible Pollutant capacity, and (c) compliance of the plans and specifications with the following standards for construction:

- (i) The Building Sewer and Service Connections shall meet the specifications prepared by the Township Engineer.
- (ii) The size of the Building Sewer shall not be less than four (4) inches in diameter.
- (iii) Whenever possible the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. Where this minimum depth cannot be obtained, the Building Sewer shall be laid at a minimum grade of one-quarter (1/4) inch per foot, sloping towards the Service Connection.
- (iv) In all buildings in which any Building Drain is too low to permit gravity flow to the Service Connection, the Sewage to be carried by the Building Drain shall be lifted by means acceptable to the Township and Discharged to the Service Connection.
- (v) Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer using methods and materials approved by the Township.
- (vi) All joints and connections shall be made gastight and watertight.
- (vii) Connection of the Building Sewer to the Public Sewer shall conform to requirements of the building and plumbing code or other applicable rules and regulations of the Township. Any deviation from the prescribed procedures and materials must be approved by the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 504. EXCAVATIONS, PIPE LAYING, AND BACKFILL.

All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Inspector. Cinders shall not be used as backfill. (ord. No. 26 eff. Sept. 14, 1989)

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Sec. 505. CONNECTION TO PUBLIC SEWER.

The connection of the Building Sewer to the Public Sewer shall be made at the Service Connection. If no Service Connection is available, the owner(s) of the Parcel shall be responsible for payment of all costs related to construction and installation of the Building Drain, Building Sewer, and Service Connection, connection of the Building Sewer to the Service Connection including, but not limited to, the purchase of the pipe and associated structures, actual costs of construction, backfill, restoration, and replacement. The Township's engineer shall determine the exact location and method of cutting into the Public Sewer to install the Service Connection and the materials to be used. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 506. CONNECTION OF SURFACE RUNOFF OR GROUNDWATER.

No Person shall make connection of roof downspouts, exterior footing or foundation drains, areaway drains, storm drains, or other points of entry of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 507. EXCAVATIONS.

All excavations for Building Sewer installation and connection to the public Sewer shall be adequately guarded with barricades and lights so as to protect the public from hazard, streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored at the cost of the property owner in a manner satisfactory to the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 508. COST OF INSTALLATION AND CONNECTION; INDEMNIFICATION.

All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner of the property being connected. No such work shall be commenced before such owner obtains the necessary permission to work in the public right of way from the Township and the County Road Commission. Said owner shall indemnify the Township from all loss or damage that may directly or indirectly be caused by the installation and connection of the Building Sewer to the Public Sewer. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 509. INSPECTION.

The applicant for a Building Sewer permit shall notify the Inspector when the Building Sewer is ready for inspection. If the Inspector determines that the Building Sewer has been constructed and installed pursuant to this Ordinance and, the permit issued by the Township, the Building Sewer shall then be connected with the Public Sewer under the observation of the Inspector. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 510. COST OF REPAIRS, ETC. TO EXISTING BUILDING SEWERS.

The cost of all repairs, operation, maintenance and replacement of existing Building Sewers and their connection to Public Sewers shall be borne by the property owner. Such owner shall make application to perform such work to the Township. (ord. No. 26 eff. Sept. 14, 1989)

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Sec. 511. COST OF REPAIRS, ETC. TO SYSTEM.

The cost of all repairs, Operation and Maintenance and Replacement of the System shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous Customer Fee in accordance with Section 704, below. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE VI

USE OF THE PUBLIC SEWERS

Sec. 601. UNPOLLUTED DISCHARGES TO PUBLIC SEWER.

No Person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to the Public Sewer. No Storm Sewer or Storm Drain shall be connected directly or indirectly to the Public Sewer. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 602. UNPOLLUTED DRAINAGE.

Storm water and all other unpolluted drainage shall be discharged to the ground surface or to a Natural Outlet approved by the Township or the SWRC. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 603. PROHIBITED DISCHARGES.

Except as hereinafter provided by specific limits stated in the Ordinance, no Person shall discharge or cause to be discharged any of the following described Sewage or Wastes to any Public Sewer:

- (a) B.O.D. in excess of 300 MG/L.
- (b) C.O.D. in excess of 450 MG/L.
- (c) Chlorine demand of 15 MG/L.
- (d) Explosive liquid, solid or gas, benzene, naphtha, fuel oil, or other flammable material.
- (e) Any Garbage which is not Properly Shredded Garbage.
- (f) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the Sewer at temperatures between 32 degrees F and 150 degrees F.
- (g) Substances which tend to settle out in the Sewer, causing stoppage or obstruction to flow.
- (h) Liquids which are corrosive.
- (i) Insoluble, solids, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, paunch manure.
- (j) Any noxious or malodorous gas or substance capable of creating a public Nuisance.

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- (k) Substances having a pH less than 6.5 or greater than 9.5.
- (l) All toxic, poisonous or radioactive wastes exceeding limits established by applicable state and federal regulations.
- (m) Any substance harmful to the System.
- (n) Any live animals or fish.
- (o) Suspended Solids in excess of 300 MG/L.
- (p) Wastes having a temperature less than 32 degrees F or greater than 150 degrees F.
- (q) Phosphorus in excess of 10 MG/L. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 604. WASTES WHICH WOULD CAUSE EFFLUENT TO EXCEED DISCHARGE LIMITS.

No Person shall discharge or cause to be discharged to the System any Sewage or Wastes which would cause effluent from the Sewage Treatment Facility to exceed discharge limits established in the NPDES permit issued to the Township for operation of the System. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 605. TOWNSHIP ACTION TO PREVENT HAZARD OR NUISANCE.

If any Sewer or Wastes are discharged, or are proposed to be discharged to the Public Sewer, and such Sewage or Wastes contain the substances or possess the characteristics enumerated in Section 603, and which in the judgment of the Township may have a harmful effect upon the Sewage Works or Sewage Treatment Facility, or receiving waters, or which otherwise create a hazard to life or constitute a public Nuisance, the Township may take the actions necessary to:

- (a) Reject the Sewage or Wastes from the Public Sewer;
- (b) Require pre-treatment to an acceptable condition for the discharge of the Sewage or Wastes to the Public Sewers;
- (c) Require control over the quantities and rates of discharge; or
- (d) Require payment to cover the added cost of handling and treating the Sewage or Wastes pursuant to Sections 702(b) and 703 hereof.

If the Township permits the pre-treatment or equalization of Sewage or Waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Township, the Health Department, the SWRC, and subject to the requirements of all applicable codes, ordinances, regulations and laws. No construction of pre-treatment facilities shall take place until all necessary approvals are obtained in writing. (ord. No. 26 eff. Sept. 14, 1989)

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Sec. 606. PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES.

Where preliminary treatment or flow equalizing facilities are provided for any Sewage or Wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 607. SPECIAL AGREEMENT BETWEEN TOWNSHIP AND INDUSTRIAL USER.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any Industrial User whereby Industrial Wastes of unusual strength or character may be accepted by the Township for treatment, subject to payment of a User Surcharge by the Industrial User. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 608. SPECIAL AGREEMENT BETWEEN TOWNSHIP AND OTHER MUNICIPALITY.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township and any other municipality whereby Sewage or Wastes from the municipality may be accepted by the Township for treatment, subject to payment therefore, by the municipality. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 609. INTERCEPTORS.

Grease, oil, and sand inceptors shall be provided by and at the cost of Users of the System when determined by the Township to be necessary for the proper handling of Sewage or Wastes containing ingredients described in Section 603 hereof. All interceptors shall be (a) of the type and capacity prescribed by the Township, (b) located so as to be readily and easily accessible for cleaning and inspection, (c) constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and (d) of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Interceptors shall not be required for Residential Users for private living quarters or dwelling units. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 610. CONTROL MANHOLE.

When required by the Township, the owner(s) of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole in the Building Sewer. The purpose of this control manhole shall be to enable observation, sampling, and measurements of the Industrial Wastes. Such manhole shall be in a location approved by the Township, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township and the Township Engineer. Installations of the control manhole, sampling equipment and other appurtenances required by the Township shall be at the expense of the property owner. The owner shall also maintain the control manhole and appurtenances in a safe and accessible manner at all times. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 611. MEASUREMENTS, TEST ANALYSESTS AN.

All measurements, tests and analyses of characteristics of Industrial Wastes shall be conducted on samples obtained at the control manhole. Where no specific control manhole has been constructed, the control manhole shall be considered to be the in the nearest downstream manhole

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in the Public Sewer to the point at which the Building Sewer is connected. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 612. DETERMINING SEWAGE OR WASTE CHARACTERISTICS.

All measurements, test, and analyses of Sewage or Waste characteristics described in this Article shall be determined in accordance with the current "Standard Methods for the Examination of Water and Sewage," as published by the American Public Health Association. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE VII

SEWER RATES AND CHARGES

Sec. 701. OPERATION AND MAINTENANCE OF SYSTEM.

The System shall, as far as possible, be operated and maintained by the Township on a public utility basis as authorized by state law. The System shall be operated on the same fiscal year as that of the Township. The Treasurer shall annually, on or before May 1 of each year, submit a report to the Township Board on the revenues and expenditures of the System, including a projected budget for the ensuing fiscal year and recommendations for the Sewer Rates and Charges for such ensuing year. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 702. USER CHARGE.

A User Charge for each premises within the Township connected to the Sewer shall be charged in advance as follows:

- (a) Sewer users shall be charged a rate of \$125 per quarter per Unit as defined in Appendix I. This rate may be increased up to five (5) percent per quarter by adoption of a resolution by the Township Board, as necessary to ensure sufficiency of revenues in meeting the expenses of the System. (ord. No. 26 rev. March 11, 2014)
- (b) The User Charge imposed pursuant to this Section is applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage or Waste into the System that do not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Section 703 below for each day such toxic pollutants or non-qualifying Sewage or Waste is discharged.
- (c) As of the date of adoption of this ordinance, it is determined that no Users of the System are Industrial Users. Before the Township permits any Industrial User to connect to the System in the future, the Township shall take the necessary action, including adoption of necessary ordinances, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes.
- (d) User Charges shall begin to accrue as of the first day of the first month following connection of the Building Sewer to the public Sewer in accordance with Article V, above. (ord. No. 26 eff. Sept. 14, 1989)

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Sec. 703. USER SURCHARGE.

The User Surcharge payable pursuant to Section 702(b), above, shall be determined by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Operation and Maintenance of the System to each User contributing toxic pollutants or Sewage or Waste that does not qualify as Normal Strength Domestic Sewage. Factors such as Sewage or Waste strength, volume, and delivery flow rate characteristics shall be considered and included as a basis for determining the User Surcharge. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 704. MISCELLANEOUS CUSTOMER FEE.

The Township shall, from time to time, establish and impose on one or more Users a Miscellaneous Customer Fee, as necessary, for miscellaneous service, repairs and related administrative costs associated with the System and incurred, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example, excessive inspection services not covered by Inspection fee, costs of repairing and/or replacing a Service Connection and costs incurred by the Township to shut off and Turn on the Sewer Services. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 705. INSPECTION FEE.

The Inspection Fee shall be determined from time to time by resolution by the Township and shall be based upon the actual cost to the Township of the Inspector. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 706. BILLING.

It shall be the duty of the Treasurer to bill and collect all Sewer Rates and Charges. The Treasurer shall mail each User a bill on or before the 10th day of the first month in the quarterly billing period. The bill shall separately itemize the Sewer Rates and Charges. Payment of the bill which is rendered by the Treasurer is due and payable on or before the 1st day of the second month in the quarterly billing period. Payment of said bill shall be made at a location designated by the Township Board. The quarterly billing periods shall correspond to the quarters of the Township's fiscal year. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 707. OUTSTANDING BALANCE.

If Sewer Rates and Charges are not paid on or before the due date then a time price differential of 5% per quarter or fraction of a quarter shall be charged on the outstanding balance until paid. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 708. UNPAID CHARGES.

If Sewer Rates and Charges are not paid on or before the due date, the Township, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue services provided by the System by disconnecting the Building Sewer or inserting a shutoff valve in the Service Connection or Lateral, and the service so discontinued shall not be reinstated until all sums then due and owing, including time price differential, penalties, interest and all expenses incurred by the township for shutting off and turning on the service, shall be paid to the Township; (ii)

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institute an action in any court of competent jurisdiction of the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 709 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the Township to collect unpaid Sewer Rates and Charges, time price differential, penalties and interest, invalidate or waive the lien created by Section 709 below. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 709. LIEN ON PREMISES.

The Sewer Rates and Charges shall be a lien on the respective premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify all delinquent Sewer Rates and Fees and time price differential thereon, annually, on or before September 1, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Fees, time price differential, interest and penalties upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 710. NO FREE SERVICE.

No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 711. TENANT RESPONSIBILITY.

A lien shall not attach for Sewer Rates and Charges to a Premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or dwelling unit thereon shall be liable for payment of Sewer Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Township 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount of \$100.00 per Unit. Upon the failure of the tenant to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. The tenant shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 708 and 709 of this Article shall be applicable with respect to the unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the landlord upon proof of termination of the lease. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 712. CANCELLATION OF PERMIT AND/OR SERVICE.

Application for connection permits may be cancelled and/or sewer service disconnected by the Township for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

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- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System;
- (b) Nonpayment of Sewer Rates and Charges;
- (c) Improper or imperfect and/or failure to keep Building Sewers in a suitable state of repair;
- (d) Discharges in violation of this Ordinance; or
- (e) Damage to any part of the System. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 713. REESTABLISHING DISCONTINUED SERVICE.

Where sewer service to a User has been discontinued for non-payment of Sewer Rates and Charges, service shall not be re-established until all delinquent Sewer Rates and Charges and penalties, and the turn-on charge has been paid. The Township reserves the right as a condition to reconnect said service to request that a nominal sum of \$100 per Unit be placed on deposit with the Township for the purpose of establishing or maintaining any User's credit. Said deposit shall not be considered in lieu of any future billing of Sewer Rates and Charges. Upon the failure of the User to pay the Sewer Rates and Charges when due, the security deposit shall be applied by the Township against the unpaid balance, including time price differential, interest and penalties. The User shall immediately make sufficient payment to the Township to cover the amount of the security deposit so advanced. Upon the failure of the User to do so within ten (10) days of said advance, the penalties, rights and remedies set forth in Sections 708 and 709 of this Article shall be applicable with respect to any unpaid Sewer Rates and Charges, including time price differential, interest and penalties. The security deposit shall be held by the Township without interest and shall be returned to the User upon continued timely payments by the User of all Sewer Rates and Charges as and when due, for a minimum of four (4) successive quarterly billing periods. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE VIII

POWERS AND AUTHORITY OF INSPECTORS

Sec. 801. POWERS AND AUTHORITY OF INSPECTORS.

The duly authorized representatives, employees or agents of the Township, including, but not limited to, the Supervisor, the Township's engineer, the Inspector, representatives of the Health Department and representatives of SWRC bearing proper credentials and identification shall be permitted to enter at any time during reasonable or usual business hours in and upon all properties in the District for the purpose of inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance. (ord. No. 26 eff. Sept. 14, 1989)

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ARTICLE IX

PENALTIES

Sec. 901. WILLFUL DAMAGE TO SYSTEM.

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System, including the Sewage Treatment Facility or connect or disconnect any Building Sewer to the System. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 902. NOTICE.

Except as provided in Section 901 hereof, any person found to be violating any provision of this Ordinance shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 903. PENALTY.

Any Person who violates Section 901 or who shall continue any violations beyond the time limit provided for in Section 902 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation or shall be imprisoned in the County jail for a maximum of 90 days or shall be subject to both such fine and imprisonment. Each day in which any such violation shall continue shall be deemed a separate offense. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 904. NUISANCE PER SE.

Any Nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township, in the furtherance of the public health, is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township for the Costs and expenses incurred by the Township in making such repairs or taking such action. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 905. LIABILITY.

Any Person violating any of the provisions of this Ordinance shall become liable to the Township and its authorized representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Township by reason of such violation. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 906. REMEDIES CUMULATIVE.

The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive. (ord. No. 26 eff. Sept. 14, 1989)

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ARTICLE X

VALIDITY

Sec. 1001. REPEAL.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous provision being repealed hereby shall not be affected by this amendment and may be continued pursuant to said previous provisions. (ord. No. 26 eff. Sept. 14, 1989) (ord. No. 26 rev. March 14, 2014)

Sec. 1002. SEVERABILITY.

Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid. (ord. No. 26 eff. Sept. 14, 1989) (ord. No. 26 rev. March 14, 2014)

Sec. 1003. STATE OR FEDERAL LAWS.

If any provisions of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE XI

PUBLICATION AND EFFECTIVE DATE

Sec. 1101. PUBLICATION.

A true copy or a summary of this Ordinance shall be published in *The Herald Palladium* within thirty (30) days after the adoption of the Ordinance by the Township. (ord. No. 26 eff. Sept. 14, 1989)

Sec. 1102. EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law. (ord. No. 26 eff. Sept. 14, 1989)

ARTICLE XII

AMENDMENT

Sec. 1201. AMENDMENT.

Subject to compliance with the applicable rules and regulations of the Farmers Home Administration-United States Department of Agriculture and the rights of holders of any outstanding Township bonds secured in part or in whole by revenues for the System, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase,

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decrease, or otherwise modify any of the Sewer Rates and charges herein provided. (ord. No. 26 eff. Sept. 14, 1989)

Adopted: August 7, 1989
Published: August 15, 1989
Revised: March 14, 2014

APPENDIX I

CALCULATION OF UNITS

RESIDENTIAL EQUIVALENT USER TABLE

All residential property shall be charged at a rate of one (1) Residential Equivalent Unit (REU) per single family dwelling unit. Multiple family dwelling units shall be charged at a rate of one (1) REU per family dwelling unit, regardless of configuration.

USER	Unit Factor
Single family residence, one dwelling unit per lot, parcel, or unit	1.00
Apartment	1.00 per dwelling unit within the apartment building
Condominium, site or otherwise	1.00 per dwelling unit

NONRESIDENTIAL EQUIVALENT USER

In computing charges for commercial, industrial, or multiple residences (other than defined above), the number of units for which charges are made shall be determined by resolution of the Township Board. When the use of a building changes substantially the number of equivalent users for the new use, a supplemental tap-in fee will be assessed for the increased use.

(ord. No. 26 rev. March 14, 2014)

