

**TOWNSHIP OF NOTTAWA  
ISABELLA COUNTY, MICHIGAN**

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE TO REGULATE THE  
CONNECTION, USE, OPERATION AND MAINTENANCE  
OF THE NOTTAWA TOWNSHIP WASTEWATER TREATMENT SYSTEM.**

**TOWNSHIP OF NOTTAWA ORDAINS:**

**ARTICLE 1  
TITLE, PURPOSE AND SCOPE**

**Sec. 1.1      Title.**

This Ordinance shall be known as the:

“Township of Nottawa Sewer Use Ordinance of 2020”.

**Sec. 1.2      Purpose, Policy And Objectives.**

This Ordinance sets forth uniform requirements for the connection, use, operation, and maintenance of the Nottawa Township Wastewater Treatment System (hereinafter referred to as the “System”), thus enabling the Township to comply with all applicable state and federal laws as required by the Federal Water Pollution Control Act (also known as the “Clean Water Act”), as amended, 33 U.S.C. 1251, et seq.; Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended (“Water Resources Protection”); and the rules, Michigan Administrative Code, R 323.2301 et seq., as amended, promulgated pursuant to section 3103, 3106 and 3109 of Part 31 of Act 451 of the Public Acts of Michigan of 1994, as amended (MCL 324.3103, 324.3106, 324.3109). The objectives of this Ordinance are:

(A) To establish standards, rules, and regulations with respect to the use of public sewers and the publicly owned treatment works (POTW).

(B) To prevent the discharge of pollutants into the POTW that would interfere with the operation of the POTW; that would pass through the POTW into the receiving waters of the state or the atmosphere; that would inhibit or disrupt the POTW’s processes, sludge reuse or disposal of sludge; that would cause health or safety problems for POTW workers and the general public; that would result in a violation of the City of Mt. Pleasant’s National Pollution Discharge Elimination System (NPDES) permit or of other applicable laws and regulations; or that would cause injury to the public health and safety or the environment.

(C) To regulate the discharge of wastewater to the POTW through the issuance of permits and through other means of enforcement of the requirements of this ordinance.

(D) To authorize and require all inspections, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable laws and regulations.

(E) To provide for mandatory connection to the System.

(F) To otherwise ensure compliance with state and federal laws and regulations applicable to the POTW.

**Sec. 1.3**      **Scope.**

This ordinance shall apply to all persons within the Township who discharge into the POTW.

**ARTICLE 2 DEFINITIONS AND ABBREVIATIONS**

**Sec. 2.1**      **Definitions.**

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

**“Accidental Discharge”** means any unintentional discharge that could result in potential problems at the POTW and includes, but is not limited to, the following: (1) a chemical spill to floor drains or which will enter the POTW; or (2) an unexpected discharge including slug loading that could cause POTW problems.

**“Act”** means the Federal Water Pollution Control Act (FWPCA) as amended (33 USC 1251 *et seq.*).

**“Available Public Sanitary Sewer”** means a public sanitary sewer line (tapped or untapped) located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts property in which sanitary sewage originates, has adequate capacity in the abutting sewer main and all downstream facilities, which will collect, transport, pump and treat the Sewage reasonably expected to be discharged from the Structure in which Sanitary Sewage Originates, and:

- (A) is located not more than 200 feet at the nearest point from a structure in which sanitary sewage originates, and
- (B) the sewerage originates from property that is within Nottawa Township.

The distance from the public sanitary sewer system shall be measured:

- (A) from a publicly-owned Grinder Pump System or STEP System with respect to a Premises served by a publicly-owned Grinder Pump System or STEP System;
- (B) from the Service Stub with respect to Premises for which a Service Stub has been installed by or for the Township; and

- (C) from the sewer main for Premises for which no Service Stub has been installed by or for the Township.

This definition also includes a public sanitary sewer line that is declared “available” by statute.

**“BOD”** (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees centigrade, expressed in milligrams per liter.

**“Building Department”** means the Isabella County Building Inspection Department.

**“Building Drain”** means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**“Building Sewer”** means the private extension of piping from a Structure in which Sanitary Sewage Originates which conveys the discharge of Sewage to the Service Connection and its components or other place of disposal. Piping from a Structure to a Grinder Pump System or STEP System is part of the Building Sewer.

**“Categorical Pretreatment Standard”** or **“Categorical Standard”** means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Clean Water Act, 33 USC 1317, which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**“Cesspool”** means an underground pit into which domestic waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

**“City”** means the City of Mount Pleasant which has jurisdiction over the use and operation of the POTW Treatment Plant.

**“CFR”** means the Code of Federal Regulations, as amended.

**“Chlorine Demand”** means 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.

**“COD”** (Chemical Oxygen Demand) means the total quantity of oxygen required for oxidation of a waste to carbon dioxide and water, expressed in milligrams per liter.

**“Combined Sewer”** means a sewer receiving both stormwater and sewage.

**“Cooling Water”** means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**“Commercial”** means of or pertaining to any retail or wholesale business engaged in selling merchandise or a service.

**“Compatible Pollutant”** means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, and any additional pollutants which can be effectively reduced or removed by the POTW treatment system to within acceptable levels for the POTW residuals and receiving stream (as determined by the POTW).

**“Composite Sample”** means a series of individual samples taken over a specific time period and combined into a single sample (formed either by continuous sampling or by mixing discrete time or flow proportional samples) representative of the average waste stream during the sampling period.

**“County”** means the County of Isabella, Michigan.

**“District Health Department” or “Health Department”** means the Central Michigan District Health Department.

**“Domestic User”** means a user that discharges only segregated normal strength domestic waste into the POTW.

**“Domestic Waste”** means liquid or water-carried wastes of human origin from residences, dwellings, commercial buildings, industrial plants and institutions generated by personal activities from sources such as toilets, kitchens, laundry, bathing, or other facilities used for normal household or dwelling purposes (also referred to as “sanitary sewage”).

**“Dwelling”** means any structure designed for habitation, including, but not limited to, houses, mobile homes, apartment buildings, condominiums and townhouses.

**“Dwelling Unit”** means, for purposes of assigning REU units, a “dwelling” that contains, at a minimum: sleeping facilities, a toilet, bath or shower and a kitchen.

**“EGLE”** means Michigan Department of Environment, Great Lakes, and Energy.

**“EPA”** means the United States Environmental Protection Agency.

**“Expanded Service Area”** means that portion of the Township that the Township Board, by formal resolution, agrees to expand the Township Public Sanitary Sewer System beyond the initial Service Area, as defined below.

**“Garbage”** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce. To be considered “properly shredded” for purposes of this ordinance, garbage must be shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in dimension.

**“Grinder Pump”** means, in a Grinder Pump System, the device to which the building sewer connects and which grinds and pumps the sewage to the public sewer for transportation to the POTW.

**“Grinder Pump System”** means the Grinder Pump, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, alarms, storage tanks and appurtenances thereto which provides the connection between the privately-owned Building Sewer and the Public Sewer System. A Grinder Pump System may be privately owned or publicly owned.

**“Groundwater”** means the water beneath the surface of the ground, whether or not flowing through known or definite channels.

**“Hazardous Waste”** means any substance discharged or proposed to be discharged into the POTW, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.

**“Holding Tank Waste”** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**“Incompatible Pollutant”** means any pollutant that is not a compatible pollutant.

**“Indirect Discharge”** means the introduction of pollutants into the POTW, intentionally or unintentionally, from any non-domestic source, including, but not limited to, holding tank waste or trucked or hauled waste discharged into the POTW and pollutants entering the POTW through infiltration or inflow.

**“Infiltration”** means any waters entering the POTW from the ground, through means such as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

**“Inflow”** means any waters entering the POTW from sources such as, but not limited to, roof leaders; cellar, yard, and area drains; foundation drains; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and combined sewers; catch basins; storm waters; surface runoff; street wash waters; or drainage.

**“Inspector”** means the person responsible for inspecting connections, disconnections or reconnections of Building Sewers and Service Connection to the Public Sewer System as designated by the Township.

**“Instantaneous Maximum Concentration”** means the maximum concentration of a pollutant allowed to be discharged at any instant in time. If the concentration determined by analysis of any grab sample, composite sample, or discrete portion of a composite sample exceeds the instantaneous maximum concentration, the instantaneous maximum concentration shall be deemed to have been exceeded.

**“Institution”** means any educational, religious, or social organization, such as a school, church, nursing home, or other similar organization.

**“Interference”** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, reuse or disposal; or (2) is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge reuse or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): section 405 of the Act; the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**“Non-domestic User”** means any user other than a domestic user.

**“Normal Strength Domestic Sewage”** means a domestic waste flow for which the levels of pollutants (including, but not limited to, BOD, SS, ammonia nitrogen, or phosphorous) are below the surcharge levels for any parameter as established by this ordinance. Further, the wastewater shall have a pH of between 6.0 and 9.0, and shall not contain a concentration of other constituents that would interfere with POTW processes.

**“NPDES Permit”** means a permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the state.

**“Operation, Maintenance and Replacement Cost”** means all costs, direct and indirect, replacement costs, necessary to insure adequate wastewater treatment on a continuing basis, conform to all related federal, state, and local requirements, and assure optional long-term System management. Operation and maintenance costs do not include expenditures required to retire debts resulting from capital costs of construction.

**“Pass Through”** means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

**“Person”** means any individual, firm, company, association, society, corporation, unit of local government, government agency, or group.

**“PH”** means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

**“Pollutant”** includes (but is not limited to) all of the following:

- (A) Any material that is discharged into water or other liquid, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive

materials, wrecked or discharged equipment, rock, sand, industrial, municipal, and agricultural waste.

- (B) Properties of materials, including, but not limited to, pH, SS, BOD, COD, toxicity, odor and heat.
- (C) Substances regulated by categorical standards promulgated by EPA in accordance with the Act.
- (D) Substances discharged to the POTW that are required to be monitored by a user under this Ordinance, are limited in the POTW's NPDES permit, or are identified in the user's wastewater discharge permit application to the POTW.
- (E) Substances for which control measures on industrial users are necessary to avoid restricting the POTW's residuals management program; to avoid operational problems at the POTW; or to avoid POTW worker health and safety problems.

**“Pollution”** means man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**“POTW”** (Publicly Owned Treatment Works) means the treatment works, as defined by applicable provisions of the CFR and the Act, that is owned by the City or the Township, including any devices, processes and systems used in the storage, treatment, recycling or reclamation of wastewater, or sludge, as well as sewers, pipes and other conveyances used to collect or convey wastewater to the treatment works. The term “POTW” shall also include any sewers that convey wastewater to the POTW from any user outside of the Township. The term “POTW” also includes the System.

**“POTW Treatment Plant”** means that portion of the City POTW which is designed to provide treatment (including recycling or reclamation) of domestic waste and industrial waste.

**“Premises”** means a lot or parcel of land, or a building or structure, having any connection, direct or indirect, to the POTW, or from which there is a discharge to the POTW.

**“Private Sewage Disposal Facilities”** means any on-site, private septic tank, subsurface disposal system or other devices used in the disposal of Sewage and which are not parts of the Public Sanitary Sewer System.

**“Properly Shredded Garbage”** means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with not particle greater than ½ inch in any dimension.

**“Public Sanitary Sewer System”** includes the Nottawa Township Wastewater Treatment System, along with all collection lines, trunk sewers, interceptors, pump stations, lift stations, manholes, the Wastewater Treatment System, and all appurtenances thereto. It also includes the POTW, defined above.

**“Public Sewer”** means a sewer in which all owners of abutting properties have equal access rights, and which is controlled by a public authority. Public Sewer means the main sewer

line exclusive of sewer leads. Sewer leads shall be considered to be part of the “Building Sewer.” Public Sewer also includes Township owned Grinder Pump Systems and tanks and STEP Systems included in the System for which easements have been given to the Township, and any replacements thereof. Public Sewer does not include any other Grinder Pump Systems and tanks or STEP Systems or any privately owned other Grinder Pump Systems or STEP Systems.

“**Replacement Costs**” means necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances to maintain the intended performance of the treatment works.

“**Residential**” means of or pertaining to individual homes or dwelling units, including mobile homes, apartments, condominiums, single-family dwellings or multi-family dwellings.

“**Residential Equivalent Unit or “REU”** is a flow unit based upon the equivalent sewage flow generated from a single family residence, as established by resolution of the Township.

“**Sanitary Sewer**” means a sewer intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

“**Septic Tank**” means a watertight monolithic 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 on solids so separated.

“**Service Area**” is that portion of the Township that the Township Board has agreed to establish the Township Public Sanitary Sewer System by formal Board Resolution, and shall initially include the Beal City Service Area and Coldwater Lake Service Area as defined by the Township Board’s Resolutions.

“**Service Connection**” means the portion of the Public Sewer System which extends perpendicular either to or onto the parcel of land adjacent to the path of the Public Sewer System main, and includes the tee/wye, the Sewer Lead, the publicly-owned Grinder Pump System or STEP System, a Gravity System, related pumping facilities and appurtenances, but not including the Building Sewer or any privately-owned Grinder Pump System or STEP System.

“**Severe Property Damage**” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources. Severe property damage does not mean economic loss caused by delays in production.

“**Sewage**” means a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and storm water that may be present.



**“Sewage Treatment Plant”** means the City POTW Treatment Plant.

**“Sewage Works”** means the POTW.

**“Sewer”** means a pipe or conduit for carrying domestic and industrial waste.

**“Sewer Permit”** means the written permit required by the Township for connection to the Public Sewer System.

**“Shall”** is mandatory; **“May”** is permissive.

**“Slug Loading”** means (1) any discharge of water, domestic waste or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than 5 times the average 24-hour concentration or quantity of flow during normal operation, for any period longer than 15 minutes; or (2) any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW; or (3) any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

**“Special Assessment District”** means a Sanitary Sewer Special Assessment District created by the Township of Nottawa.

**“STEP System” or “Septic Tank Effluent Pump System”** means sewage collection system which includes a tank or tanks for settling and digesting wastewater solids, effluent pump, pump chamber, electrical controls, floats, and appurtenances thereto, that collects domestic wastewater, retains the solids by means of a tank, and conveys the liquid to the Public Sewer System by means of a pump system. A Step System provides the connection between the privately-owned Building Sewer and the Public Sewer System, and may be privately owned or publicly owned.

**“Storm Sewer”** (sometimes termed “storm drain”) means a channel, pipe or sewer designed primarily for collecting and conveying storm water runoff.

**“Storm Water”** means the excess water running off from the surface of a drainage area during and immediately after a period of rain or snow melt and is that portion of the rainfall or snow melt runoff and resulting surface flow in excess of that which can be absorbed through the infiltration capacity of the surface soil.

**“Superintendent”** means the person designated by the Township Board to supervise the operation of the Township POTW and who is charged with certain duties and responsibilities by this ordinance.

**“Supervisor”** means the Supervisor of the Township Board of Nottawa Township.

**“Surcharge”** means an additional treatment or handling charge applied by the Township for the treatment of wastewater containing pollutants in excess of specified concentrations, loadings or other applicable limits.

**“Suspended Solids”** (“SS”) means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which can be removed by laboratory filtering.

**“System”** means the Nottawa Township Wastewater Treatment System, including the City and Township POTW.

**“Township”** means Township of Nottawa, Michigan, or where appropriate, the Township Board or other duly authorized official representative of the Township.

**“Toxic Pollutant”** means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment, including, but not limited to, those listed as toxic in regulations promulgated by the EPA Administrator under section 307(a) of the Act or under other laws.

**“Treatment Facility”** means the City Sanitary Sewer Treatment Facility that provides treatment to wastewater used by the Township Public Sanitary Sewer System.

**“Trucked or Hauled Waste or Pollutants”** means any waste proposed to be discharged to the POTW from a mobile source, including, but not limited to, holding tank waste.

**“User”** means any person or any municipality who discharges into the POTW.

**“User Charge”** means the charge levied on all users of the POTW for the cost of connection to the POTW plus the perpetual operation, maintenance, and replacement of the works.

**“User Discharge”** means the introduction of wastewater or pollutants into the POTW, whether intentional or unintentional, and whether direct or indirect.

**“Wastewater”** means the liquid and water-carried industrial, commercial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions (including, but not limited to, contaminated groundwater and landfill leachate), whether treated or untreated, that is contributed, introduced or discharged into the POTW.

**“Watercourse”** means a channel in which a flow of water occurs, either continuously or intermittently.

**“Waters of the State”** means 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, that are contained within, flow through, or border upon the State or any portion of the State, and as otherwise specified by applicable laws and regulations.

**Sec. 2.2      Abbreviations.**

The following abbreviations shall have the following designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EGLE	Michigan Department of Environment, Great Lakes, and Energy (EGLE)
EPA	United States Environmental Protection Agency FWPCA Federal Water Pollution Control Act
gpd	gallons per day
l	Liter
mg/l	Milligrams per liter
MAC	Michigan Administrative Code
NPDES	National Pollutant Discharge Elimination System
PCBs	Polychlorinated Biphenyls
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 <i>et seq.</i>
REU	Residential Equivalent Unit
SIC	Standard Industrial Classification
SS	Suspended Solids
SWDA	Solid Waste Disposal Act, as amended, 42 U.S.C. 6901, <i>et seq.</i>
U.S.C.	United States Code
T	Total
TSS	Total Suspended Solids
ug/l	Micrograms per liter

**ARTICLE 3  
DISPOSAL OF SEWAGE AND WASTEWATER**

**Sec. 3.1      Depositing Wastes Upon Public or Private Property.**

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 the Township, any human or animal excrement, garbage, or other objectionable waste.

**Sec. 3.2      Privies and Septic Tanks.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank or septic system, cesspool, holding tank, or other facility intended or used for the disposal of sewage in any area to which the System is available, as “availability” is defined in this Ordinance.

**Sec. 3.3      Sewage and Wastewater Discharges.**

Unless otherwise expressly permitted by applicable laws or regulations or authorized by the issuance of an NPDES permit:

(A) It shall be unlawful to discharge sewage, wastewater or pollutants to any waters of the state within the Township or in any area under the jurisdiction of the Township, either directly or through a Township storm sewer.

(B) It shall be unlawful to discharge unpolluted water of any kind, including, but not limited to, storm water, drainage water, groundwater, or industrial cooling water, except to sewers that are specifically designated as storm sewers; or to any waters of the state, either directly or through a Township storm sewer, complying with the applicable state and federal requirements.

**Sec. 3.4      Connection to Public Sewer Required if Available; Time Limit.**

(A) The owner of any house, building, or property 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, an Available Public Sanitary Sewer is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper Available Public Sanitary Sewer in accordance with the provisions of this Ordinance. Connection with the Public Sanitary Sewer System shall be required within ninety (90) days after the date of official notice to connect, if the Public Sanitary Sewer is available to the land in which sanitary sewage originates, or if connection is otherwise required by the District Health Department, or by another regulatory body, or by statute.

(B) Any septic tanks, cesspools, or similar wastewater disposal facilities which are abandoned or discontinued as required by this Section shall, at the time of connection to the public sewer, shall be properly abandoned in the manner required by the District Health Department. This includes pumping waste by a licensed septic hauler and either removing or crushing tank, and filling with clean sand, gravel, dirt or other suitable material. If septic tank is part of foundation or crushing cannot be accomplished, the tank may be filled with clean soil. The bottom of the tank must be made capable of releasing surface water or other accumulation of fluid.

(C) Upon the failure to complete connection where to an Available Public Sanitary Sewer within the 90 day period provided in Section 3.4(A) above, the Township shall require the connection to be made forthwith after notice by first class mail or certified mail or posting on the property to the owners, occupants or persons having control of the property on which the structure is located. The notice shall give the approximate location of the Available Public Sanitary Sewer for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this Ordinance. Persons who fail to complete a required connection to the Public Sewer System within such 90 day 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 in addition to such other relief as may be available at law or in equity.

(D) If any structure in which sanitary sewage originates is not connected to an Available Public Sanitary Sewer within ninety (90) days after the date of mailing or posting of the written notice pursuant to Section 3.4(C), above, the Township, in addition to the remedies otherwise provided by this Ordinance, may bring an action for a mandatory injunction or order in the applicable Isabella County court, to compel the owner to immediately connect to the Available Public Sanitary Sewer. The Township in one or more such actions may join any number of owners of structures to compel each owner to connect to the Available Public Sanitary Sewer.

(E) If the owner or occupant of property with a private sewage disposal system fails to connect to an Available Public Sanitary Sewer as provided by this Section, then the Township may take any action necessary to do so, charging all costs of compliance to the property owner or occupant of the property, and the charges shall become (and shall be collectible as) a lien on the property.

**Sec. 3.5 Private Sewage Disposal Facilities.**

If a Public Sewer System is not available to a Premise, the Building Sewer shall be connected to an approved private sewage disposal facilities constructed in compliance with requirements of the District Health Department and EGLE. The owner shall operate and maintain the private Sewage Disposal Facilities in a sanitary manner at all times, at no expense to the Township.

**Sec. 3.6 Governmental Requirements.**

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

**Sec. 3.7 Additional Requirements.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Township or other applicable authorities.

**ARTICLE 4  
BUILDING SEWERS AND CONNECTIONS TO THE PUBLIC SEWER**

**Sec. 4.1 Public Sewer Connection Permit Required.**

No unauthorized person shall uncover, use, alter, disturb, or make any connections with or opening into any public sewer or appurtenance thereof without first obtaining a written public sewer connection permit from the Township.

**Sec. 4.2      Application.**

The building owner or the owner's agent shall apply on a form furnished by the Township and pay the permit and inspection fee required by this Section at the time the application is submitted. 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. The design, installation and connection of the Building Sewer and Service Connection shall comply with Township Technical Standards. The permit and inspection fees for public sewer connection permits shall be as determined from time to time by resolution of the Township Board in an amount sufficient to reimburse the Township for administrative costs, review of plans and specifications and field inspections. The Township may deny a public sewer connection permit if the application for the permit shows that anticipated discharges will be harmful to the POTW, will violate the provisions of this ordinance, or in any other way will hamper the operation of the POTW.

**Sec. 4.3      Selection of Service Connection.**

The Township shall determine the type of Service Connection for each User on the basis of conformity the Township's Technical Standards, the requirements of EGLE and the City, the type of proposed use, and the integrity of the Public Sewer System. This will include determining whether a Gravity, Grinder Pump System, or STEP System may be used. The Township, in its sole discretion, depending upon the circumstances and availability of an on-lot easement may permit two (2) or more Building Sewers to be connected to a single Grinder Pump System or STEP System; however, it is the intent of the Township to limit single grinder pumps to service only one (1) building, with the electrical service to be provided by the owner of said building.

**Sec. 4.4      On-Lot Easement Requirements.**

(A) Prior to the approval and issuance of a Service Connection permit for a Service Connection which includes a Grinder Pump System or a STEP System, the applicant will be requested to have executed by the property owner(s) of record for the premises to be connected, an easement in a form provided by the Township granting permission to the Township to operate and maintain, repair and replace the Service Connection to be installed on the premises.

(B) If the applicant provides such easement in the form approved by the Township, then the Township shall provide, at its cost, all needed repairs, operation, maintenance and replacement of the Service Connection in accordance with Section 4.5(B), below.

(C) If the applicant, for any reason, declines to provide said easement, then the permit may be issued in the discretion of the Township. In these circumstances, no more than one Building Sewer may be connected to each Grinder Pump or STEP Station. Following purchase and installation of the Service Connection (which installation is subject to inspection by the Inspector in accordance with the terms of this Ordinance), the property owner shall, at his or her expense, repair, operate, maintain and replace the Service Connection, including any Grinder Pump System or STEP System, in accordance with Section 4.5(B)(3), below.

**Sec. 4.5**                      **Costs, Expenses and Liability.**

(A) All costs, expenses and liability incident to the purchase, installation, inspection, repair, maintenance, replacement and connection of the Building Sewer and the Sewer Connection to the Public Sanitary Sewer System shall be borne by the owner. The 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. No such work shall be commenced before such owner obtains a Sewer Permit from the Township and any necessary permission to work in the public right-of-way from 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 System.

(B) Notwithstanding Section 4.5(A), above, for pressurized systems (which require a Grinder Pump System or a STEP System), the following will apply:

(1) ***Existing Properties.***

(a) If the property owner's property has an existing Private Sewage Disposal Facilities on the effective date of this ordinance, the Township will request an easement for the installation of a publicly owned Sewer Connection, including a Grinder Pump System or STEP System, in accordance with Section 4.4(A).

(b) If the Property Owner elects to provide an easement in accordance with Section 4.4(A) and signs and returns the easement within thirty (30) days of the Township's mailing the easement to the property owner, the Township shall:

- (i) Accept responsibility for installation of the Property's Sewer Connection from the building sewer line to the Public Sanitary Sewer System, including, the Grinder Pump System or STEP System; and
- (ii) Shall assume the cost and responsibility for the Connection Fees and any Township Installation Inspection and Permit Fees under Section 7.2, below; and
- (iii) Shall assume the subsequent repair, inspection, maintenance, and replacement of that portion of the Sewer Connection, including, the Grinder Pump System or STEP System.

(c) This election will be made in writing and will authorize the Township to enter the owner's property for purposes of carrying out these functions.

(d) However, the property owner shall install the electrical line from the property owner's supplied electrical junction box to the Grinder Pump or STEP System pump, and shall pay the electrical costs to operate the Grinder or STEP System pump, which shall be included in the electric bill for each property served by a Grinder Pump System or STEP System.

(e) If a property owner does not sign and return the Township easement until after the thirty (30) days has lapsed, then the installation will be in accordance with Subsection 4.5(B)(2) below, unless the Township Board, in its discretion, agrees to extend the 30 day time limit.

(2) ***New Service Connections.***

(a) If the Property Owner's property does not have an existing Private Sewage Disposal Facilities the effective date of this Ordinance and is seeking a new service connection, or if the offered easement under Section 4.5(B)(1)(a), above, is not signed and returned within thirty (30) days of the date of the Township's mailing, the property owner shall be responsible for the purchasing, and installing of the Service Connection, including any Grinder Pump System or STEP System, and paying any applicable connection and inspection fees.

(b) A property owner may elect, upon the Service Connection being purchased, installed, inspected, and approved, and the installation fees provided for in this Ordinance being paid, to then execute an the easement in accordance with Section 4.4(A) and a bill of sale conveying the Service Connection to the Township., The Township shall then thereafter assume the cost and responsibility for repair, inspection, maintenance, and replacement of that portion of the Sewer Connection, including the Grinder Pump System or a STEP System.

(c) This election will be made in writing and will authorize the Township to enter the owner's property for purposes of carrying out these functions.

(d) However, the property owner shall pay the electrical costs to operate the Grinder or STEP System pump, which shall be included in the electric bill for each property served by a Grinder Pump System or STEP System.

(3) ***Declining easement.*** If the property owner applicant, for any reason, declines to provide the easement required under Section 4.5(B)(1) or (2), above, then the permit may be issued in the discretion of the Township. In these circumstances, the property owner shall, at his or her expense, assume the cost and responsibility for the purchase, installation, repair, inspection, maintenance, and replacement of the entire building sewer, including Sewer Connection and the Grinder Pump System or STEP System in compliance with the Township Technical Standards. This shall include paying the Connection and Inspection Fees in accordance with this Ordinance.

(4) ***Subsequent easements.*** A property owner, or his or her successor, may, at any time following the installation of a Service Connection on a premise for which no easement was provided to the Township prior to the issuance of a permit and installation, grant the appropriate easement to the Township. The Township shall accept said easement and assume the responsibility for repair, operation,



maintenance and replacement provided that the Inspector has inspected the Service Connection and is satisfied that the Service Connection is in good working order, reasonable wear and tear excepted. In the event such inspection reveals that the Service Connection has not been properly maintained or that the condition of the Service Connection has deteriorated beyond reasonable wear and tear, the Township may condition its acceptance of the easement and assumption of the financial responsibility for operation, maintenance and repair and replacement of the Service Connection upon

- (a) appropriate repairs of the Service Connection at the expense of the property owner,
- (b) replacement of the Service Connection or individual components thereof at the expense of the property owner, or
- (c) such other conditions as the Township, in the exercise of its reasonable judgment, deems appropriate.

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

- (5) All easements bills of sales making these conveyances to the Township under this Section 4.5 shall be in a form approved by the Township and the easement shall be recorded with the Isabella County Register of Deeds.

**Sec. 4.6 Separate Sewer for Every Building; Exception.**

A separate independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, if the extension conforms with the adopted plumbing code standards. An accessory structure that is detached, supplemental and subordinate to a principle building or structure, is located on the same parcel, and is used exclusively for an accessory use to the principle building or structure, as determined by the Township, may also be considered as one building sewer if approved by the Township Board and installed to conform with the adopted plumbing code standards. The Township assumes no responsibility for damage caused by or resulting from any single building sewer which serves more than one building or structure.

**Sec. 4.7 Existing Building Sewers.**

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township Inspector, or an authorized representative, to meet all requirements of this ordinance and applicable plumbing code standards.

**Sec. 4.8 Applicable Code Provisions, Régulations.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules, regulations, and standards of the Township, or other Authority having jurisdiction on the matter. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials (A.S.T.M.) and the Water Environment Federation (W.E.F.) shall apply.

**Sec. 4.9 Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the building owner.

**Sec. 4.10 Connection of Surface Runoff or Groundwater Prohibited.**

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW.

**Sec. 4.11 Connection Into Public Sewer.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or all other applicable laws, rules, regulations, orders and directives, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas-tight and water-tight and shall be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Superintendent, or an authorized representative, before installation.

**Sec. 4.12 Inspection and Connection.**

The applicant for the public sewer connection permit shall notify the Superintendent and the County Building Inspection Department when the building sewer is ready for inspection and connection to the public sewer and building drain. The connection shall be made under the supervision of the Superintendent, the County Building Inspection Department Plumbing Inspector, as applicable, or their authorized representative. The Building Sewer excavation shall be left open until inspection is complete. In the event the excavation is not left open until inspection is complete, the property owner shall, at the property owner's expense, have the excavation re-opened to enable the Inspector to complete the inspection of the Building Sewer and Service Connection. If the Inspector determines that the Building Sewer and Service Connection have been constructed and installed in accordance with the requirements of this Ordinance, the Building Sewer shall then be connected with the Service Connection and Building Drain under the observation of the Inspector. The inspection shall include the

installation of all required components of the Service Connection, including without limitation, wiring, conduit, sealants, riser, discharge lines and related necessary appurtenances. The inspection required by this Section shall include the abandonment of the private Sewage Disposal Facilities in the manner required by the District Health Department. All Grinder Pump Systems and STEP Systems shall be installed in accordance with the Township's Technical Standards. Grinder Pump Systems and STEP Systems shall then tested in accordance with the Township's Technical Standards upon installation by either the Township or a contractor approved by the Township on a schedule as determined by the Township. The cost of such inspection shall be by the Township, if the Township has assumed responsibility for the System's installation and maintenance of the Sewer Connection, or by the property owner in the event the installation and maintenance remains the property owner's responsibility.

**Sec. 4.13 Township's Responsibility for Repairs, Operation and Maintenance.**

The cost of all repairs, maintenance and replacement of the Public Sewer System that is Publically Owned shall be borne by the Township as part of the Township's budgeted annual expense of the System, subject to the right of the Township to impose a Miscellaneous User or Service Fees in accordance with Sections 7.6 and 7.7, below.

**Sec. 4.14 Property Owner's Responsibility for Installation, Repairs, Operation and Maintenance.**

The cost of all repairs, operation, maintenance and replacements of existing or future Building Sewers and privately owned Sewer Connections (including the privately-owned Grinder Pump Systems or STEP Systems, if any) and their connection to the Public Sewer System in accordance with Township Technical Standards shall be borne by the property owner. Without limitation of the foregoing, the property owner shall be responsible for the clean-up, and reporting to the EGLE and any other applicable regulatory agency, of all spills from a privately owned Grinder Pump or STEP System and the payment of any fines or penalties resulting therefrom. If, for any reason, the installation or connection of the Building Sewer to the Service Connection does not comply with Township Technical Standards, even if the installation or connection thereof was favorably inspected by the Township Inspector, the property owner shall be responsible for all cost and expense necessary to bring the Building Sewer and Service Connection, and the interconnections thereof, into compliance with Township Technical Standards.

**Sec. 4.15 Excavations; Conditions of Work.**

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

**Sec. 4.16     Interceptors.**

(A) Grease, oil, and sand interceptors shall be provided when required by the Township Technical Standards, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity required by the Township Technical Standards, and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) Required grease, oil and sand interceptors shall be maintained by the building owner, at his expense, and shall be in continuously efficient operation at all times. The owner shall maintain records, subject to review by the Township, showing the dates and means of disposal of materials collected in required interceptors. Any removal and handling of collected materials from required interceptors must be performed by currently licensed waste disposal firms. Failure to maintain a required interceptor in continuously efficient operation at all times is a violation of this Ordinance, subject to fine as provided by this Ordinance, plus liability to the Township for costs for damage (on or off the premises) resulting from such failure.

**Sec. 4.17     Capacity.**

No connections to the Public Sanitary Sewer System will be allowed unless there is capacity available (in terms of concentration, mass, flow or other parameter) as determined by the Township, in downstream sewers, pump stations, interceptors, forcemains and the POTW treatment plant, including capacity for removal of BOD, suspended solids, or other pollutants. Capacity must also be available under the terms of the Township's contract with the City.

**Sec. 4.18     Access.**

By connecting a building to the Public Sewer all persons, firms, or public or private corporations, having or claiming any interest in the building shall be deemed to have given permission to the Township, and any successor or duly authorized agent to enter the building and the property where the building is located at all reasonable times to install, inspect, maintain, operate, repair, replace, or otherwise deal with the Building Sewer, service pipe, valve, or stub on, under, or adjacent to said premises.

**Sec. 4.19     Contractor Requirements.**

Any contractor or plumber desiring to construct a Service Connection or uncover, make any connection with, or disconnection from, or opening into, use, alter or disturb any public sewer or appurtenances thereof, must first secure a license from the Township. The Township license shall not be valid until signed and dated by the Superintendent or his or her designee and shall be valid for one year unless renewed in accordance with the terms of this Section. An applicant for a license shall: submit a copy of its current plumbing or other applicable license, if any, with the State of Michigan; pay a license fee in an amount as established by the Township

Board from time to time; provide to and deposit with the Township a license/permit bond or irrevocable letter of credit, in an amount as established by the Township Board from time to time, conditioned that the licensee will faithfully complete any work involving the public sewer or appurtenances thereof with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Township, pertaining to sewers and plumbing; and, as a condition of the license's issuance, the licensee shall agree to indemnify and save harmless the Township and its officers and employees, as well as the owner of the premises upon which the work occurs, against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on the part of the licensee in connection with the Service Connection installation and connection, or disconnection or other use, alteration or disturbance of any public sewer or appurtenances thereof. The licensee shall also provide to the Township prior to issuance of the license, evidence of public liability insurance insuring the interests of the Township, the property owner, and all persons, for all damages caused by accidents attributable to the work, with limits of \$100,000 for one (1) person, \$300,000 for bodily injuries per accident, and \$100,000 for property damages. Thirty (30) days' prior written notice of cancellation of licensee's public liability insurance shall be given to the Township and written evidence of this notice requirement shall be provided to the Township prior to the issuance of the license. The bond/letter of credit and insurance provided for herein shall remain in force during the term of the license and any renewal thereof. Any subcontractor to a licensed contractor or plumber must also obtain a license from the Township and comply with all requirements of this Section 4.19. An applicant for renewal of a Township license shall submit an application for such license renewal to the Township in accordance with the provisions of Section. If an applicant fails to file its application for renewal at least 30 days prior to the expiration of its current Township license, the Township shall not be required to approve or disapprove the Township license before the expiration of the current license.

The Township reserves the right to revoke the permit of any person who, in the Township Board's sole judgment, is not performing work with proper care and skill and in accordance with the laws, rules, and regulations pertaining to the sewer system. As a condition of securing a permit, the Township may require that the person applying for the Township license attend a training session on the proper procedures and equipment for making connections to the sewer system, including training regarding the Township's approved Grinder Pump Systems and/or STEP Systems.

## **ARTICLE 5 EXTENSIONS TO SYSTEM**

### **Sec. 5.1      Expansion of Sewer Service Area.**

The owner of a building in which Sanitary Sewage originates now situated or hereafter constructed outside the Sewer Service Area may be permitted to connect to the Public Sewer System only upon the consent of the Township Board to extend the Sewer Service Area to include said property. The consent of the Township Board shall be granted or denied by the Township Board in the exercise of its reasonable discretion and may, without limitation, be based upon the following considerations:

(A) the continued availability of System capacity for properties located within the applicable Expanded Sewer Service Area;

(B) the capacity of the City Sewage Treatment Facility determined by reference to its Discharge Permit and the capacity rights of the Township established by the City Sewer Agreement;

(C) the number of Users currently connected to the Public Sewer System in the current Sewer Service Area;

(D) the amount of vacant undeveloped lands contained within the applicable Expanded Sewer Service Area;

(E) the likelihood of the development of such vacant lands and whether such lands are subject to a special assessment or other capital charge for construction of an Expanded Public Sewer Service Area;

(F) the public health considerations for constructing the Public Sewer System in the applicable Expanded Sewer Service Area and the portion of remaining available capacity in the City Sewage Treatment Facility needed to alleviate and avoid public health concerns in the applicable Expanded Sewer Service Area;

(G) the proximity of the lands to be served by the proposed extension to the lands currently served by the applicable Expanded Sewer Service Area;

(H) the amount of available capacity in the City Sewage Treatment Facility to ultimately serve the intervening lands in the event the lands to be served by the requested extension are not contiguous to the applicable Expanded Sewer Service Area; and

(I) any extension of the Township Sewer Service Area shall be subject to the terms and conditions of the City - Township Sanitary Sewer Service Contract.

In its discretion, the Township Board may require the person requesting the extension of the applicable Expanded Sewer Service Area to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the Township addressing the feasibility of the proposed extension in the context of the foregoing considerations. In addition, the owner requesting the extension of the applicable Expanded Sewer Service Area may, in the discretion of the Township Board, be required to pay all or a portion of the expense (including engineering, legal and similar expenses incurred by the Township) of the extension and related improvement of the Public Sewer System necessary to serve the extension of the applicable Expanded Sewer Service Area.

**Sec. 5.2 Township Extensions.**

The Township may extend public sewers under any of the following circumstances:

(A) After approval of the Township Board, the Township may extend public sewers to complete or expand the existing POTW to protect the health, safety and welfare of its citizens. Property owners may be specially assessed in accordance with applicable law.

(B) At the request of citizens for the Township to extend the sewer, by petition containing the signatures of a majority of the property owners along both sides of the sewer route.

(C) At the request of a private developer for the Township to extend public sewers to and through the property of the developer, if the developer advances to the Township the total costs of the project as estimated and approved by the Township Engineer. Applicable fees pursuant to Article 7 for all REUs shall be paid at the time of connection to the sewer. If there are properties that will benefit from the extension of the sewer, the contractor may be refunded accordingly per contractual agreement.

**Sec. 5.3 Private Extensions.**

A private developer may extend the POTW at the private developer's expense following written approval of the Township and the Township Engineer. Ownership of the POTW extension shall revert to the Township following completion of construction, testing and approval by the Township Engineer and acceptance by the Township Board. The private developer shall reimburse the Township for the cost of its inspection, testing, and approval of any such sewer extensions.

**Sec. 5.4 Contractual Limitations.**

Any extensions of the Township Public Sewer System shall be subject to the requirements and limitations within the Sanitary Sewer Service Contract entered into between the City and the Township.

**ARTICLE 6  
DISCHARGE TO THE POTW  
PROHIBITIONS, LIMITATIONS AND REQUIREMENTS**

**Sec. 6.1 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.

**Sec. 6.2 Specific Prohibitions.**

No User shall discharge or contribute to the POTW, directly or indirectly, any of the pollutants, substances, or wastewater as provided by this Section. This Section sets forth the

minimum requirements for users' discharges to the POTW. Additional or more restrictive requirements may be required of particular users as otherwise authorized or required by this Ordinance, the City's sewer ordinances and regulations, or other applicable laws and regulations. A User may not contribute the following substances to the Public Sewer System or the City Wastewater Treatment Plant:

- (A) *Concentration Limits.* Pollutants in concentrations that exceed the daily maximum or monthly average concentrations established by the City for its sewer system, or as listed below in this Section, which ever maximum limit level is lower:

<u>Parameter</u>	<u>IMC (mg/l)<sup>1</sup></u>	<u>Daily Max. (mg/l)<sup>1</sup></u>	<u>Monthly Avg. (mg/l)<sup>1</sup></u>
Arsenic	---	0.5	---
Cadmium	---	0.5	---
Chromium (T)	---	2.0	---
Chromium (Hexavalent)	---	0.1	---
Copper	---	1.0	---
Cyanide (Amenable)	---	0.1	---
Lead	---	0.4	---
Mercury	NQ <sup>2</sup>	NQ <sup>2</sup>	---
Nickel	---	1.0	---
Silver	---	0.5	---
Tin	---	3.0	---
Zinc	---	3.0	---
Ammonia Nitrogen (NH <sub>3</sub> as N)	---	50.0	---
BOD <sub>5</sub>	---	300.0 <sup>3</sup>	---
Phosphorous (T)	---	20.0 <sup>4</sup>	---
TSS	---	250.0 <sup>5</sup>	---
FOG	---	100 <sup>6</sup>	---

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**Notes:**

*IMC = Instantaneous Maximum Concentration Limit. T = Total*

- (1) *Discharges which contain more than one pollutant which may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the POTW. The more restrictive discharge limits will be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge, including, without limitation, the specific compounds, if any, listed in Section 6.2 of this Ordinance. Also, see Section 6.5, regarding application of most restrictive or additional standards or requirements under local, state, and federal laws and regulations.*
- (2) *NQ = Non-quantifiable concentration, defined as at or below the quantification level of 0.2 ug/l using U.S. EPA Method 245.1 (or at or below other quantification levels applicable under alternative test methods required by the POTW or by other applicable*



laws or regulations). Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of a User's discharge shall be in accordance with U.S. EPA method 245.1, unless the POTW Superintendent requires U.S. EPA Method 1631 (or other appropriate method). The quantification level shall be 0.2 ug/l for Method 245.1 or 0.5 ng/l for Method 1631, unless higher levels are approved by the POTW Superintendent because of sample matrix interference.

- (3) Any discharge of BOD in excess of 300.0 mg/l shall be subject to surcharge as provided by this Ordinance.
- (4) Any discharge of phosphorous (T) in excess of 10.0 mg/l shall be subject to surcharge as provided by this Ordinance.
- (5) Any discharge of TSS in excess of 250.0 mg/l shall be subject to surcharge as provided by this Ordinance.
- (6) Any discharge of FOG in excess of 50.0 mg/l shall be subject to surcharge as provided by this Ordinance.

*The IMC, daily maximum, and monthly average limits listed above in this Section 6.2 (or as listed elsewhere in this Ordinance or in any User Permit or Order) for each pollutant parameter are the concentrations which may not be exceeded and at which enforcement begins. The surcharge threshold concentrations as specified in notes 3 through 7 (above) are the concentrations above which surcharges may be imposed. Discharges exceeding the surcharge thresholds, but which are less than the IMC, daily maximum, and monthly average limits (and which do not violate any other applicable prohibitions, limitations, standards, or requirements), are not violations of this Ordinance, but are subject to surcharges as provided by this Ordinance. All violations of applicable discharge prohibitions and limitations and all instances of noncompliance with applicable discharge requirements constitute a violation of this Ordinance, subject to applicable fines, penalties and other enforcement actions. In no event shall the imposition of a surcharge for a discharge which does not meet the applicable prohibitions, limitations or requirements be construed as authorizing the illegal discharge or otherwise excuse a violation of this Ordinance.*

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- (B) Pollutants in concentrations that exceed the instantaneous maximum, daily maximum or monthly average concentrations listed below in this Section 6.2.

**Parameter:**

**PCBs:** The instantaneous maximum concentration, daily maximum and monthly average discharge limit for PCBs is non-detect. Except as otherwise required by the POTW Superintendent, compliance with this limit shall be determined as follows:

A compliance limit of “non-detect” shall be used for instantaneous maximum concentration, daily maximum and monthly average. Any discharge of PCBs at or above the quantification level is a specific violation of this Ordinance.

PCB sampling procedures, preservation and handling, and analytical protocol for compliance monitoring of a User’s discharge shall be in accordance with U.S. EPA method 608. The quantification level shall be 0.1 ug/l, unless higher levels are determined appropriate by the POTW Superintendent because of sample matrix interference. Total PCBs shall be defined as the sum of the Aroclors 1016, 1221, 1232, 1242, 1248, 1254 and 1260. In addition, any detected Aroclor- specific measurements shall be reported.

- (C) Any liquid, solid, gas or other pollutant (including, but not limited to, gasoline, benzene, naphtha, fuel or fuel oil) which by reason of its nature or quantity is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to persons, the POTW, or to the operation of the sewerage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using test methods specified in 40 CFR 261.21.
- (D) Pollutants that may cause corrosive structural damage to the POTW, or that due to their corrosive properties are capable of causing injury to persons or POTW personnel or harm to fish, animals or the environment. Discharges that have a pH lower than 6.0 s.u. (Instantaneous minimum) or greater than 9.0 s.u. (Instantaneous maximum) shall not be discharged. Compliance with applicable minimum and maximum limits for pH shall be determined based on instantaneous measurements only, and not on averaged results.
- (E) Any solid, insoluble or viscous substance in concentrations or quantities which may cause obstruction to the flow in the POTW, may create an encumbrance to the POTW operations, or which otherwise may result in interference, including, but not limited to, grease, animal entrails or tissues, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes or tumbling and deburring stones; or any material that can be disposed of as trash.
- (F) Any pollutant, including, but not limited to, oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration that may cause pass through or interference with the POTW or constitute a slug load, or is otherwise discharged to the POTW in excessive amounts.
- (G) Wastewater (or vapor) having a temperature that will inhibit biological activity in the POTW resulting in interference, or heat in such quantities that the temperature at any lift station or at the POTW treatment plant exceeds 104° Fahrenheit (40° C). No discharge to the POTW shall have a temperature less than 40° Fahrenheit (4.4° C) or greater than 135° Fahrenheit (57.2° C), unless approved in advance by the POTW Superintendent.

- (H) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (I) Pollutants that result in the presence of gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems. This prohibition includes, but is not limited to, wastewaters which contain liquids, solids or gases that cause gases, vapors or fumes from the discharge to exceed 10% of the immediately dangerous to life and health (IDLH) concentration. Discharges which contain more than one pollutant which may contribute to fume toxicity shall be subject to more restrictive limitations, as determined necessary by the POTW. The more restrictive discharge limits shall be calculated based on the additive fume toxicity of all compounds identified or reasonably expected to be present in the discharge.
- (J) Trucked or hauled pollutants, except those introduced into the system at discharge points designated by the POTW, subject to the prior approval of the Township Superintendent and the City POTW Treatment Plant Superintendent, and prior issuance of a User Permit.
  - (1) The City POTW Treatment Plant Superintendent shall determine whether to allow the discharge of trucked or hauled pollutants based on the particular nature, character or quantity of the proposed discharge in accordance with the discharge prohibitions, limitations and requirements provided by this Section 6.2.
  - (2) The Township Superintendent and the City POTW Treatment Plant Superintendent may impose any conditions on the discharge determined necessary to ensure compliance with this Section 6.2 including, without limitation, conditions regarding the time, place, and manner of discharge, restrictions on the quantity and quality of the discharge, and sampling requirements.
  - (3) The discharge shall not commence without prior notice to, and authorization from, the Township Superintendent and the City POTW Treatment Plant Superintendent, and a representative of the City shall be present at all times during the discharge.
  - (4) All trucked or hauled wastes to be discharged to the POTW must be accompanied by a completed waste manifest form signed by the permittee and the hauler as provided by the minimum requirements of this Section. The permittee shall certify in writing on the manifest as to the source of all wastes in the load proposed to be discharged and that the wastes have been pretreated as required by applicable pretreatment standards and requirements. The hauler shall certify in writing on the manifest that no wastes other than those listed on the manifest have been accepted by the hauler. The manifest must be reviewed by the City POTW Treatment Plant Superintendent prior to commencing discharge of the load. Failure to accurately record every load, falsification of data, or failure to transmit the form to the Township Superintendent and the City POTW Treatment Plant Superintendent for review prior to discharge shall constitute a violation of the permit and may result

in revocation of the permit and/or the imposition of fines and penalties as provided by this Section 6.2.

- (5) The permittee's discharge of hauled wastes shall be subject to sampling by the POTW at any time, including, without limitation, prior to and during discharge. The Township Superintendent or the City POTW Treatment Plant Superintendent may require the permittee to refrain from, or suspend, discharging until the sample analysis is complete.
- (6) Trucked or hauled pollutants will be accepted only if transported to the POTW in compliance with state and federal hazardous waste and liquid industrial waste laws.
- (7) Each discharge of trucked or hauled pollutants will be accepted only after payment to the POTW of a trucked or hauled pollutant discharge fee to cover the POTW's administrative expenses and any additional treatment, handling or inspection expenses incurred by the POTW in connection with the discharge. The fee shall be established, paid, and collected as provided for IPP fees established under Section 7.3(C). This discharge fee shall be in addition to any sewer rates, fees, charges, or surcharges otherwise required by this Ordinance.
- (8) Prior to accepting a proposed discharge of trucked or hauled pollutants, the POTW may be required to evaluate the capacity of the POTW to accept such wastes by means, including, but not limited to, a headworks analysis or treatability study, as determined necessary by the POTW. All such evaluation and analysis shall be at the sole cost of the User proposing the discharge and shall be paid in full by the User whether or not the discharge of the trucked or hauled pollutants is ultimately approved by the Township Superintendent and the City POTW Treatment Plant Superintendent. The POTW may require the User to post a deposit or other form of surety, as determined sufficient and appropriate by the POTW, to ensure payment by the User of all such costs.
- (K) Wastewater with objectionable color or light absorbency characteristics that may interfere with treatment processes or analytical determinations, including, without limitation, dye wastes and vegetable tanning solutions.
- (L) Any garbage or other solid material that has not been properly shredded with particles greater than one-half (1/2) inch in any dimension.
- (M) Solvent extractibles, including, without limitation, oil, grease, wax, or fat, whether emulsified or not, in excess of applicable local limits; or other substances that may solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32° Fahrenheit and 150° Fahrenheit in amounts that may cause obstruction to the flow in sewers or other interference with the operation of the PW.

- (N) Soluble substances in a concentration that may increase the viscosity to greater than 10% over the viscosity of the water or in amounts that will cause obstruction to the flow in the POTW resulting in interference.
- (O) Any substance which exerts or causes a high or unusual concentration of inert suspended solids, including, but not limited to, lime slurries, diatomaceous earth and lime residues.
- (P) Any wastewater which contains suspended solids of such character, quantity or concentration that special attention is required, or additional expense incurred, to process such materials at the POTW.
- (Q) Any substance which exerts or causes a high or unusual concentration of dissolved solids, including, but not limited to, sodium chloride or sodium sulfate.
- (R) Noxious or malodorous liquids, gases, fumes, or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance, cause workplace conditions in violation of any applicable workplace health or safety standard, pose a hazard to life, sufficient to prevent entry into the sewers for maintenance and repair, or cause any hazardous or unsafe conditions for the general public.
- (S) Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, water-based paint with mercury biocides and paint thinners.
- (T) Any radioactive wastes or isotopes of a half-life or concentration that may exceed limits established by applicable state or federal laws, rules or regulations.
- (U) Any pollutant that results in excess foaming during the treatment process. Excess foaming is any foam that, in the opinion of the POTW Superintendent, may interfere with the treatment process.
- (V) 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 to exceed the limitation set forth in a categorical pretreatment standard.
- (W) Any hazardous waste as defined by this Ordinance.
- (X) Any medical or infectious wastes, as defined by the EGLE and 40 CFR, part 266, subpart P (40 CFR 266.500-266.510).
- (Y) Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation, reuse or disposal, or otherwise interfere with the reclamation, reuse, or disposal process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; under the Solid Waste Disposal Act (SWDA) (including Title II, more commonly

referred to as RCRA, and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; or any more stringent state or local regulations, as applicable.

- (Z) Any unpolluted water, non-contact cooling water, storm water, surface water, groundwater, roof runoff or subsurface drainage (except to a storm sewer or a combined sewer as authorized by this Ordinance and other applicable local, state, and federal laws and regulations and subject to the prior approval of the POTW Superintendent, and the EGLE).
- (AA) Any contaminated groundwater or landfill leachate determined by the POTW to have a reasonable potential to adversely affect the operation of the POTW, to result in pass through or interference, or to violate any pretreatment standard or requirement.
- (BB) Any substance that will cause the POTW to violate its NPDES permit, the City receiving water quality standards, or associated local, state or federal laws, rules or regulations.
- (CC) Any substance which causes a high chlorine demand, including, but not limited to, nitrite, cyanide, thiocyanate, sulfite and thiosulfate.
- (DD) Any wastewater which exceeds applicable categorical pretreatment standards, requirements or limits prescribed by state or federal, Township, City, or other local, laws, rules or regulations.
- (EE) Any compatible or incompatible pollutant in excess of the allowed limits as determined by applicable local, state or federal laws, rules or regulations.
- (FF) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any person's wastewater or air pollutants.
- (GG) Residue (total on evaporation) in an amount that will cause obstruction to the flow in the POTW resulting in interference.
- (HH) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment to only such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (II) Any non-domestic wastewater before the POTW has approved.
- (JJ) Waste not typically discharged to a sanitary sewer system unless specifically authorized by the POTW pursuant to policies and procedures established by the Township and the City and subject to limitations set forth in this Ordinance.

- (KK) Any mass, concentration or volume of a substance in excess of the amount allowed in the User's User Permit.
- (LL) Any pollutant, substance, or wastewater that, either directly or indirectly, and either singly or by interaction with other pollutants, has a reasonable potential to:
  - (1) create a chemical reaction with any materials of construction to impair the strength or durability of sewer structures;
  - (2) cause a mechanical action that will damage or destroy sewer structures;
  - (3) impede or restrict the hydraulic capacity of the POTW;
  - (4) interfere with normal inspection or maintenance of sewer structures;
  - (5) place unusual demands upon the wastewater treatment equipment or processes by biological, chemical or physical means; or
  - (6) cause a hazard to human life or create a public nuisance.

**Sec. 6.3. Right of Revision.**

The POTW reserves the right to establish more restrictive prohibitions, limitations and requirements for discharges to the POTW to prevent interference or pass through, to protect the POTW, to comply with applicable federal or state laws or regulations, to comply with the POTW's NPDES permit, or as otherwise determined necessary by the Superintendent.

**Sec. 6.4. POTW's Right to Refuse or Condition Discharge.**

The POTW may refuse to accept, or may condition its acceptance of, all or any portion of any proposed or existing discharge to the POTW from any person, regardless of whether or not a User Permit has been issued for the discharge, if the City or the Superintendent determines that the discharge has a reasonable potential to: adversely affect the operation of the POTW; result in pass through or interference; violate any pretreatment standard or requirement; cause the POTW to violate its NPDES permit; or if the impacts of the discharge on the POTW or the POTW's discharge are uncertain or unknown (because, for example, no local limits or headworks analysis has been conducted for particular pollutants in the discharge). If the POTW denies any person permission to commence or continue all or any portion of a discharge to the POTW, the person shall refrain from commencing to discharge or shall immediately terminate the discharge to the POTW and shall not thereafter recommence discharge without written authorization from the POTW Superintendent. Similarly, if the POTW denies any person permission to commence or continue all or any portion of a discharge to the POTW except subject to conditions determined necessary and appropriate by the POTW Superintendent, the person shall refrain from commencing or continuing the discharge except in full compliance with those conditions. This includes, but is not limited to, the POTW's right to revise or revoke User Permits.

**Sec. 6.5 Most Restrictive Standards and Requirements Apply.**

Notwithstanding any provision of this Ordinance to the contrary, the most stringent or restrictive standard or requirement applicable to a User's discharge shall control, whether established by this Ordinance, by any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Ordinance, by city or state laws, ordinances or regulations, including the POTW's NPDES permit, or by federal laws or regulations. Further, if city, state, or federal laws or regulations provide for standards and requirements not covered by this Ordinance that are otherwise applicable to a User's discharge, those standards and requirements shall apply to the User in addition to those required by this Ordinance, and the most restrictive of those additional standards or requirements shall control and shall be complied with by the User within the time period required by the law or regulation.

**Sec. 6.6 Dilution Prohibited as Substitute for Treatment.**

Unless expressly authorized to do so by an applicable pretreatment standard or requirement and subject to the prior approval of the POTW Superintendent, no User shall ever increase the use of process water, mix separate wastestreams, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a federal, state, city or local standard, requirement or limitation. The POTW may impose mass limitations on Nondomestic Users that are using dilution to meet applicable pretreatment standards or requirements and in other cases where the imposition of mass limitations is appropriate. No User intending to use dilution as a substitute for treatment shall do so without the prior approval of the POTW Superintendent consistent with the requirements of this Section.

**Sec. 6.7 Grinder Pump Systems and/or STEP Systems.**

All Grinder Pump Systems and/or STEP Systems shall comply with the approved Township Technical Standard specifications and shall be installed and maintained in accordance with Township Technical Standards. It shall be the responsibility of the property owner to assure that their Grinder Pump System and/or STEP System is used, operated, and maintained in accordance with the applicable Township Grinder Pump System or STEP System operation and use regulations and policies. Failure to comply with these requirements may result in the owner being assessed service fees, as well as liability for any costs incurred by the Township arising out of the opener's noncompliance.

**Sec. 6.8 Right of Review by Township; Pretreatment May Be Required.**

(A) *Right of Review by Township.* Admission into the public sewers of wastewaters containing any prohibited discharges in Sec. 6.1 or having an average daily flow rate of 10,000 gallons or more shall be subject to review by the Township. All proposed discharges to the sanitary sewers shall be reviewed prior to connection. The discharge of an existing user shall be subject to review if a change in the contribution is anticipated or at the request of the Township to demonstrate continued compliance with ordinance requirements. In support of this review,



existing or potential users of the sewers shall provide all information necessary to complete the review. This information shall include, but is not limited to, the following:

- (1) File a written Baseline Monitoring Report in a format and with the information specified by the Township, including, but not limited to, setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes; raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.
- (2) Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewers, natural watercourse, or ground waters noted, described, and the waste stream identified.
- (3) Records and reports on the final disposal of specific liquids, solids, sludges, oils, solvents, radioactive materials, and other wastes.
- (4) In the case of existing discharges, sampling and test reports as may be required by the Township.

(B) *Right to Exclude or Require Pretreatment.* On direction of the Township, an entity may be required to remove, exclude, or require pretreatment of any waste in whole or in part for any reasons deemed to be in the Township's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Township and shall be designed and operated to assure that wastewaters discharged meet the characteristics set forth in Sec. 6.1.

**Sec. 6.9 Special Agreements.**

No provision of this Ordinance shall be construed as preventing any special agreement or arrangement between the Township and any user whereby sewage or wastes of unusual strength or character may be accepted by the sewage system for treatment, subject to the payment by such user of such additional charges as may be reasonable. However, federal and state prohibited discharge standards can never be waived. If the waters or wastes discharged by an industry exhibit any of the characteristics identified in Sec. 6.1. at any time, the Township may:

- (A) Reject the wastes;
- (B) Require pretreatment to the level defined as “normal strength sewage”;
- (C) Require pretreatment to an acceptable level for discharge to the public sewers; and
- (D) Require control over the quantities and rates of discharge.

**Sec. 6.10 Monitoring and Monitoring Manhole.**

(A) When required by the Township to demonstrate compliance with this Ordinance, the owner of any property serviced by a building sewer shall install a suitable control manhole together with sampling equipment, flow meters, and other appurtenances as necessary in the building sewer to facilitate monitoring the control manhole shall be constructed in accordance

with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

(B) All measurements, tests and analyses of the characteristic of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR Part 136, as amended, or as required by the Michigan Department of Natural Resources. All measurements, tests, and analyses shall be determined as the monitoring manhole and upon suitable samples taken at said manhole. It shall be the responsibility of the industrial customer to provide flow measuring sampling equipment for each monitoring manhole.

**Sec. 6.11 Pretreatment Provisions.**

(A) *Compliance with State and Federal Pretreatment Regulations.*

(1) *Introduction.* This subchapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system and enables the Township to comply with all applicable state and federal pretreatment regulations (40 CFR Part 403).

(2) *Federal standards supersede.* Any existing or new federal categorical pretreatment standards shall immediately supersede the limitations imposed under this Ordinance if more stringent. In such a case, the Supervisor shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

(3) *Modification of federal pretreatment standards.*

(a) Where the Township's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Township may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent.

(b) The Township reserves the right to establish, as described in Sec. 6.4, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.

(B) *Maintenance of Preliminary Treatment Facilities.* No user shall ever increase the use of process water or, in anyway, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the Township or state. (Exception is made when applicable to dilution to meet the pH requirement.)

(C) *Dilution Prohibited.* Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained in satisfactory and effective operation by the owner at his expense.

**Sec. 6.12 Authority for Control of Discharges to the POTW.**

If any user discharges, or proposes to discharge wastewaters or pollutants to the POTW which are prohibited or limited by this ordinance, the Superintendent may take any action as authorized by this Ordinance or other applicable law or regulation to assure and require compliance with the provisions of this Ordinance, including, but not limited to, the issuance of orders, the imposition of surcharges, and the assessment of fines and penalties.

**ARTICLE 7  
FEES AND CHARGES**

**Sec. 7.1 Schedule of REU Unit Factors.**

(A) All Connection, Usage and other fees and charges for the sewer system shall be based upon the number of REUs on each lot, parcel of land, or premises as set forth in the Schedule of REU Unit Factors (hereafter referred to as the “Schedule”) as adopted by resolution of the Township Board or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. The Schedule may be enacted apart from the published Ordinance as necessary.

(B) Classifications not specifically listed in the Schedule shall be assigned values as determined by the Township, but no facility shall be assigned less than one (1) unit.

(C) Where multiple businesses exist at one location (shopping centers, hotels with restaurant and or bar facilities, etc.) the various businesses will be combined for equivalents.

(D) In cases of expansion or change of existing water/sewer uses, Connection Fees shall be levied in accordance with the current Connection Fee schedule based upon the difference in the current and expanded or changed use.

**Sec. 7.2 Connection Fees.**

(A) The owner of all premises required to connect to the System shall pay the Township Connection Fees which shall comprised of the following components:

- (1) A Tap Fee, which shall be a per REU rate established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary;
- (2) An Inspection fee to cover the cost of having the Township’s designated experts inspect and approve the connection to the System for gravity building sewer, Grinder Pump System or STEP System installations.

(B) In addition to the Connection Fees as defined above, the owner of the premises shall be liable for the costs and expenses of acquiring and installing the connection to the System pursuant to Township Technical Standards on file at the Township and for the payment of any permits required by any other State, County or Local authorities, including any fees for required inspections and permits by the County Building Inspection Department..

(C) A single family residential building shall constitute a Dwelling Unit and shall be charged a minimum Tap Fee of one (1) Residential Equivalent Unit (REU). Premises other than a single family residential unit shall pay a Tap Fee based upon the number of units assigned to such premises by the Table of Unit Factors contained in the Nottawa Township Sanitary Sewer System Residential Equivalent Unit (REU) Schedule, or subsequent revisions adopted by the Township Board, but in no case, shall it be less than 1.0 REU.

(D) In the event that there is no applicable established REUs for a structure, or there is a mixed use type structure such as a combined single family residential dwelling unit and commercial office or similar nonresidential use, the Township shall review and determine the REUs for that structure.

(E) Upon any subsequent enlargement, addition, extension, or improvement to any structure, the Township shall review and re-determine the REUs for that structure. Upon finding by the Township after such REU review and redetermination that additional Tap Fees are required, the Owner shall immediately pay the required additional fees. No credit will be given for REU's, except as provided in Section 7.2(H).

(F) Any User that disagrees with the assigned REU values contained in the Table of Unit Factors may request the opportunity to appear before the Township Board in person for the purpose of reducing the assigned REUs and presenting any argument or additional evidence. A denial of reducing the REUs assigned following such a personal appearance before the Township Board shall be final and conclusive.

(G) The appropriate Connection Fees must be paid in full at the time at the time of application, unless the Township Board, at its sole discretion, permits a deferral of payment over a period of time and at an interest rate determined by the Board in its sole discretion. No building permit shall be issued unless and until all appropriate Connections Fees have been paid, unless the Township Board has granted a deferral.

(H) If it has been determined that REUs assessed/allocated to a particular parcel were assessed in excess or are deemed no longer needed, the Owner, at the discretion and approval of the Township Board, may sell back the REUs to the Township at a rate approved by the Township, but in no event for more than the original rate paid by the Owner, and in no case will a property's REU be reduced to less than one (1) REU..

(I) *Repair and Replacement of Service Connection.* In the event the connection of a Building Sewer to a Service Connection for a Premises for which Sewer Rates and Charges have been paid is repaired, revised, or replaced, no additional Connection Fee shall be payable

provided that an increase in the utilization by said Premises of the Public Sewer System does not occur as a result of said repair, revision or replacement. An additional Inspection and Permit Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

**Sec. 7.3      Usage Charges.**

(A) *Establishment and Basis for Computations.* Rates and charges for use of the POTW shall be established by resolution of the Township Board, which may be enacted apart from the published Ordinance as necessary. The usage rates shall be based upon the amount necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service. 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.

The Township may also establish prorated User Charges for properties that use a District Health Department approved non-septic tank drain field acceptable innovative or alternative waste treatment system under the Public Health Code Section 12757 (MCL 333.12757) instead of connecting to the system. This prorated charge shall be determined by the Township Board to allocate to any such properties their proportionate share of financing the construction of the available public sanitary sewer system

(B) *Normal Strength Domestic Sewage.* The User Charges imposed pursuant to this Section are applicable only to Users who discharge Normal Strength Domestic Sewage. A User who discharges toxic pollutants or Sewage into the System that does not qualify as Normal Strength Domestic Sewage shall also pay a User Surcharge determined pursuant to Sec. 7.04, below.

(C) *Industrial Users.* 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 or updating of necessary ordinances and standards, to comply with federal and state guidelines applicable to the collection and treatment of Industrial Wastes, and may revise the applicable REU Schedule and rates and charges. However, industrial use charges shall be no less than comparable charges assessed by the City for its industrial users.

(D) *Annual Review of Charges.* The usage rates adopted by the Township 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 fee review shall be prepared and based on said review, rates for sewage services shall be reviewed annually and revised as necessary by Resolution of the Township Board to meet system expenses and to ensure that all User Classes pay their proportionate share of operation, maintenance, and equipment replacement cost.

(E) *Unoccupied Premises.* A User Charge shall be charged to each premise which is connected to the Public Sewer System, regardless of occupancy, until such time as the Building Sewer is disconnected from the Service Connection in accordance with this Ordinance at the expense of the property owner, by either the property owner or the Township. In the event that the sewer service for such Premises is disconnected by the Township, the appropriate Miscellaneous User Fee shall be paid by the owner of the Premises.

(F) *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 number of REUs on each lot, parcel of land, or premises as given in the Schedule included in the Nottawa Township Sanitary Sewer System Policies or subsequent Schedule revisions adopted by resolution of the Township Board or subsequent REU redetermination by the Township. Rates and charges shall be collected monthly 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.

**Sec. 7.4      User Surcharge.**

The User Surcharge payable pursuant to Sec. 7.03(b), above, shall be determined from time to time by resolution of the Township Board and shall be sufficient to provide for the proportional distribution of the increased expense of Cost of Operation and Maintenance of the System. Factors such as Sewage strength, volume, discharge flow rate characteristics and the increased expense of the System for the transportation and treatment of non-qualifying Sewage shall be considered and included as a basis for determining the User Surcharge.

**Sec. 7.5      Inspection and Permit Fee.**

The Inspection and Permit Fee shall be determined from time to time by resolution of the Township Board, shall be based upon the actual cost borne by the Township for its Inspectors and may vary for a new connection, a disconnection or a reconnection. If, however, unusual circumstances demand, the Township may impose a Miscellaneous User Fee for inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the Township for its actual costs, including the costs of outside consultants (i.e. non-routine engineering review).

**Sec. 7.6      Service Fee.**

A per service call Service Fee at a rate established by resolution of the Township Board shall be charged for all customer-related Grinder Pump System or STEP System repairs or replacements due to system misuse, excessive water discharge, customer power interruptions,

non-grinder pump odors, internal plumbing issues, sump pumps, well problems and other issues not directly related to the actual operation of the Grinder Pump System or STEP System. A customer may appeal the assessment of a service fee to the Township Supervisor, who may waive the fee upon determining the customer was not negligent or at fault for the service call.

**Sec. 7.7      Miscellaneous User Fee.**

The Township Board shall, from time to time, establish by resolution and impose on one or more Users a Miscellaneous User Fee, as necessary, for the cost of miscellaneous service, repairs and related administrative costs associated with the System and incurred by the Township, without limitation, as a result of the intentional or negligent acts of such User or Users, including for example and without limitation, excessive inspection services not covered by the Inspection Administration Fees, and costs incurred by the Township to shut off and turn on sewer service.

**Sec. 7.8      No Free Service.**

No free service shall be allowed for any User of the Public Sewer and POTW, provided, however, that the Township shall receive sewer service at its facilities at no charge.

**Sec. 7.9      Billing.**

Billing for wastewater service shall be the Township's responsibility. All bills shall be rendered quarterly. Bills shall be prepared and mailed to the customer of record as closely as possible to the billing cycle. The failure to receive a bill shall not excuse a failure to pay a bill and any penalty shall accrue thereon as though such bill had been received. Bills for premises having special rates, unusual charges, or unique circumstances may be billed monthly at rates as established by action of the Township Board.

All bills shall be payable on or before the due date without discount. Payments received by the Township shall be applied for payment on any outstanding balance owed on the account prior to being applied to current charges.

**Sec. 7.10     Initial Billing.**

Billing shall begin based on one of the following conditions:

- (A) The date that a certificate of occupancy is issued for a new structure; or
- (B) The date that the connection to the Building Sewer and sewer connection is approved by the Inspector.

If the date occurs during the billing cycle, costs will be prorated accordingly.

**Sec. 7.11      Nonpayment.**

Current charges shall be due and payable within thirty (30) days after the date the sewer bills are prepared for mailing (hereafter referred to as the “due date”). The due date shall be shown on each bill and current charges that are not paid by the due date will be delinquent. A penalty shall be assessed against a delinquent balance at the rate of one and one-half percent (1½) per month.

**Sec. 7.12      Collection of Delinquent Accounts.**

Any and all charges, such as property owner’s direct charges, operation and maintenance and capital usage charges, special assessment charges, interest, penalties, and all other charges whatsoever related to the operations under this Ordinance, shall be a personal obligation of the owner of the premises and shall become a lien against the premises until paid. Until all such charges are paid, the Township may, at the option of the Township Board, proceed with a personal action against the owner or foreclose upon the aforesaid lien, or both, to the extent necessary to collect such amounts owed and all related costs of collection of said amounts that are incurred by the Township.

On the first day of September of each year, any and all balances that are past due for ninety (90) days or more, shall be certified to the next Township tax roll as a lien for collection against the premises served. Such lien shall be collected and enforced in the same manner as provided by law for Township taxes assessed on the roll. Any and all charges certified for collection through the tax roll shall have added to them a ten (10) percent penalty on the entire amount of the lien in addition to previous charges.

**ARTICLE 8  
ADMINISTRATION AND ENFORCEMENT**

**Sec. 8.1      Operation and Management of Township POTW.**

(A) The operation, maintenance, alteration, repair and management of the POTW shall be under the supervision and control of the Township. The Township may employ additional persons as necessary or advisable to carry out the efficient management and operations of the system and may make any rules, orders and regulations as determined necessary by the Township to assure the efficient management and operation of the system, including the setting of rates, surcharges, fees, penalties, fines, or other charges, for the use of the POTW.

(B) To the extent the Township contracts with a City, Authority, or other legal entity, relating to the acquisition, construction, improvement, enlargement, extension, operation, maintenance, or financing of the system, such authority, if authorized by subsequent resolution of the Township Board, shall have the same powers as afforded the Township in this Ordinance.

**Sec. 8.2      Powers of Superintendent.**

The Superintendent is empowered, either directly or through authorized representatives,



to:

- (A) Supervise the implementation of this Ordinance.
- (B) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of this Ordinance.
- (C) Make recommendations to the Township for amendments to this Ordinance as required or as necessary to comply with applicable laws and regulations.
- (D) Encourage voluntary cooperation in water pollution control.
- (E) Collect and disseminate information on water pollution control.
- (F) Coordinate activities under this Ordinance with planning and zoning agencies to promote conservation and management of the water resources of the Township.
- (G) Cooperate with federal, interstate, state, county, district, municipal, or other agencies concerned with water pollution with respect to studies, abatement programs, public complaints, and other matters to conserve and improve the natural resources of the Township.
- (H) Verify the completeness, accuracy and representativeness of self-monitoring data submitted and/or maintained by users.
- (I) Perform any other actions authorized by this Ordinance, or as necessary or advisable for the management and operation of the POTW.

**Sec. 8.3 Powers of Supervisor.**

The Supervisor is empowered, either directly or through authorized representatives, to:

- (A) Investigate complaints of violations of this Ordinance, make inspections and observations of discharges, and maintain a record of the investigations, complaints, inspections and observations.
- (B) Issue orders and notices of violation and take other actions as necessary to require compliance with this Ordinance.
- (C) Issue municipal civil infraction citations.
- (D) Institute actions against all users violating this Ordinance and institute necessary legal proceedings on behalf of the Township to prosecute criminal violations of this Ordinance, to compel the abatement or prevention of violations, to compel compliance with this Ordinance and any order, determination, permit or agreement issued or entered into under this Ordinance,

and to pursue other necessary or advisable relief or remedies with respect to violations of this Ordinance.

(E) Perform any other actions necessary or advisable for the enforcement of this Ordinance and other applicable laws and regulations.

**Sec. 8.4 Inspection, Surveillance, Maintenance, and Monitoring Authority; Right of Entry.**

(A) *In General.* The POTW is authorized to carry out all inspection, surveillance, sampling and monitoring activities and procedures, as necessary to determine, independent of information supplied by users or any other persons, compliance or noncompliance with applicable standards and requirements, with this Ordinance, and with other applicable laws and regulations. This authority includes, but is not limited to, the authority:

- (1) To verify the completeness, accuracy and representativeness of self- monitoring data submitted by users.
- (2) To determine compliance with the requirements of this Ordinance or orders.
- (3) To support enforcement actions taken by the POTW against non- compliant users.
- (4) To determine if users have corrected problems identified in previous inspections.
- (5) To identify which (and to what degree) users influence the quality of the POTW's influent, effluent and sludge quality.
- (6) To evaluate the impacts of the POTW's influent on its treatment processes and receiving stream.
- (7) To evaluate the need for revised local limits.
- (8) To maintain current data on each user.
- (9) To provide a basis for establishing sampling and monitoring requirements for users.
- (10) To assess the potential for spills and/or slug discharge control measures, and evaluate the effectiveness of spill and slug discharge control measures.
- (11) To evaluate compliance with existing enforcement actions.
- (12) To require any user to submit one or more representative samples of the wastewater discharged or that the user proposes to discharge into the POTW.

(B) *Right of Entry.* The Supervisor, Superintendent and other authorized representatives of the Township bearing proper credentials and identification are authorized to enter a user's premises to conduct inspection, work, surveillance and monitoring activities as necessary to determine compliance with this ordinance, and in that regard shall have, but shall not be limited to, the following minimum authority:

- (1) To enter into any premises of any user in which a discharge source, treatment system or activity is located or in which records are required to be kept as provided by this ordinance, for the purpose of inspecting, observing, measuring, sampling and testing the wastewater discharge, removing samples of wastewater for analysis, and inspecting and making copies of required records.
- (2) To maintain, at the Township's expense, Grinder Pump Systems, STEP Systems, and public sewer lines which the owner elected, at the time the owner applied for connection, to have the Township install and maintain at the Township's expense, per Section 4.4.
- (3) To set up and maintain on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the discharger to do so, at the discharger's sole expense.
- (4) To enter all private properties through which the Township or other governmental agency holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW or wastewater transmission facilities lying within the easement.

(C) *Access Without Delay Required.* Users shall allow the POTW ready access at all reasonable times to all parts of the user's facility where wastewater governed by this ordinance is created, handled, conveyed, treated or discharged, or where any production, manufacturing, fabrication, or storage area where pollutants regulated under this ordinance could originate, be stored, or be discharged to the POTW, or where wastewater records are kept, for the purposes of inspection, sampling, records examination, or in the performance of any of the POTW's duties. If a user has security measures in force that would require proper identification and clearance before entry into the premises by the POTW, the user shall make necessary arrangements in advance with its security guards so that upon presentation of suitable identification, authorized representatives of the POTW (or authorized state or federal personnel) will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(D) *Refusal to Allow Entry.* If a user refuses to permit access to an authorized POTW representative or to permit the representative to obtain, take, and remove samples or make copies of documents or undertake other authorized inspection, surveillance and monitoring activities as provided by this ordinance, the Supervisor may order the termination of the discharge of wastewater to the POTW; order the user to permit access within a time certain; issue the user a notice of violation of this Section; or take other appropriate action as provided by this ordinance and other applicable laws and regulations.

**Sec. 8.5      Notice of Violation.**

Any person found to be violating a provision of this Ordinance may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation (which under some circumstances, may be immediate). The person shall, within the period of time stated in notice, permanently cease all violations. The notice of violation shall be served and shall contain the information as provided by Sec. 8.7 of this ordinance. Failure to comply with any requirement of a notice of violation shall constitute a separate violation of this Ordinance.

**Sec. 8.6      Orders.**

The Supervisor or his or her authorized representative may issue an order to any user as determined by the Superintendent to be appropriate under the circumstances, as provided by this Section. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single discharger.

(A) *Service.* An order shall be served upon a user and shall contain the information as provided by Section 8.7 of this Ordinance. However, orders to immediately cease and desist discharge, or to terminate the discharge to the POTW, or other emergency orders where delay might endanger human health, the environment or the POTW, may be oral and may be served by telephone (to be followed within 5 days by written confirmation of the order by the Superintendent).

(B) *Types of Orders.* The Supervisor may issue the following types of orders:

- (1) *Order to immediately cease and desist discharge.* The Supervisor may issue an order to cease and desist from discharging any wastewater, incompatible pollutant, or discharge not in compliance with this ordinance. The order shall have immediate effect if the actual or threatened discharge of pollutants to the system presents, or may present, imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes, or may cause, interference or pass through. The Supervisor shall implement whatever action is necessary to halt the illegal discharge. The user shall be assessed for any penalties, fines, charges, surcharges, expenses, or losses incurred due to the actual or threatened discharge of pollutants as provided by this Ordinance.
- (2) *Order to cease discharge within a time certain.* The Supervisor may issue an order to cease and desist from discharging any wastewater, incompatible pollutant, or discharge not in compliance with this Ordinance by a certain time and date. The proposed time for any required remedial action shall be specified in the order. The order may also contain conditions as determined appropriate by the Supervisor. In addition to other circumstances as determined appropriate by the Supervisor, the failure to pay applicable permit fees or to comply with any term of an

order or an industrial user permit constitutes sufficient cause to issue an order under this Section.

- (3) *Order to perform corrective action.* The Supervisor may issue an order requiring a user to perform any action required under this Ordinance, including, but not limited to, requiring a user to submit samples; to install sampling, metering and monitoring equipment; to submit reports; to permit access for inspection, sampling, testing, monitoring and investigations; to reduce or eliminate a discharge or pollutants in a discharge; or to pay permit fees or other applicable charges.
- (4) *Order to terminate sewer services.* The Supervisor may issue an order to terminate the sewer services of a user, including physical blockage of the user's sewer connection, for reasons including, but not limited to, the following:
  - (a) A discharge which violates any general or specific discharge prohibition, and which reasonably appears to present an imminent endangerment to human health, the environment or the POTW.
  - (b) Failure of a user to notify the POTW of any discharge which the user was aware or reasonably should have been aware.
  - (c) Failure of a user to sample, monitor, pretreat or report, or failure to install monitoring or pretreatment facilities, as required by an order of the Supervisor.
  - (d) A knowing, willful violation of any term, condition or requirement of an order.
  - (e) A negligent violation of any major term or condition or requirement of an order. For purposes of this Section, a “major” term, condition or requirement is one the violation of which is reasonably likely to endanger human health, the environment or the POTW.
- (5) *Order to show cause.* The Supervisor may issue an order requiring a user to appear and explain any noncompliance with the requirements of this Ordinance or any permit, order, decision or determination promulgated, issued or made under this Ordinance, and to show cause why more severe enforcement actions against the user should not go forward. A show cause hearing shall be held within 10 days after the order to show cause was issued, as follows:
  - (a) The hearing shall be conducted and evidence shall be taken by the Supervisor or by an authorized representative designated by the

Supervisor. Notice of the hearing shall be provided to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. If the hearing is conducted by an authorized representative of the Supervisor, the Supervisor shall thereafter be provided with a written report of the hearing, including transcripts, any other evidence, and any recommendations to the Supervisor for further action.

- (b) Testimony taken at the hearing shall be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript.
- (c) After reviewing the evidence taken at the hearing, the Supervisor shall decide whether further enforcement action is required and, if so, the nature and extent of that further action, including, but not limited to, the issuance of any order or imposition of any fines, fees, surcharges or penalties, as authorized by this Ordinance.

(C) *Immediate Response to Order by User May Be Required.* Any user issued an order by the Supervisor as provided by this Section to immediately suspend its discharge to the POTW shall immediately stop or eliminate the discharge using whatever means are necessary to do so, or take any other action as required by the order. If the user fails to comply voluntarily with the order to immediately suspend its discharge, the Township shall take any action determined as necessary as authorized by this Ordinance, including immediate suspension of water service and/or severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to public health, safety or the environment. The Supervisor may reinstate the POTW service upon satisfactory proof or other demonstration by the user that the noncomplying discharge has been eliminated or will not reoccur. A detailed written statement submitted by the user describing the causes of the noncomplying discharge and the measures taken to prevent any further occurrence shall be submitted to the Supervisor within fifteen (15) days of the occurrence.

(D) *Noncompliance Due to Factors Beyond User's Control.* If noncompliance with an order is unintentional and temporary and due to factors beyond the reasonable control of a user, and the user can demonstrate the conditions necessary for demonstration of an upset the Supervisor may modify the order or take other actions as determined appropriate. However, a user shall not be relieved of liability for noncompliance with an order to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(E) *Amendment, Suspension and Revocation of Orders.* An order shall be subject to amendment, suspension or revocation as determined appropriate by the Supervisor. Notice of the amendment, suspension or revocation shall be served upon the user in the same manner as notice was provided for the original order. An amendment, suspension or revocation of an order shall

be subject to the same procedures for review and appeal as the original issuance of the order, as provided by this Ordinance.

(F) *Consent Orders.* The Supervisor may enter into a consent order with a user to resolve disputed claims and address identified and potential deficiencies in the user's compliance status. The consent order shall be in the form of an agreement and may contain appropriate provisions, including, but not limited to, compliance schedules and stipulated fines and remedial actions.

**Sec. 8.7 Service of Orders, Notices of Violations and Notices of Assessments.**

Except as otherwise expressly provided by this ordinance, all orders and Notices of Violations shall be served upon persons and shall contain the information as provided by this Section.

(A) *Service.* Service shall be by personal delivery or certified mail (return receipt requested), addressed to the user, alleged violator or other person, as applicable. The person served shall sign and date the order or notice and shall return the signed original copy to the Township; provided that the failure to do so shall not affect the person's obligation to comply with the order or notice.

(B) *Contents.* All orders shall contain at least the following information, as applicable and to the extent known:

- (1) The name and address of the violator;
- (2) The location and time that the violation occurred or was observed, and the duration of the violation;
- (3) The nature of the violation, including the provisions of this Ordinance or of any permit, order, decision, determination or agreement violated;
- (4) The basis for determining that a violation has occurred (personal observation, pollutant analysis, etc.);
- (5) The amount of the fine, penalty or charge assessed or due, if any;
- (6) The manner in which, and time and date by which, any fine, penalty or charge must be paid, including any penalty or charge for late payment;
- (7) The remedial action ordered, the time within which required actions must be taken, and any consequences for failure to do so.
- (8) The right to appeal the issuance of the order or notice and a summary of the procedures for appeal, or other applicable administrative procedures.

(9) The date and time the order or notice was issued.

(C) *Request for Additional Information.* A person served may request additional information from the Superintendent regarding the contents or requirements as provided by any order or notice. However, a request for additional information shall not extend the time for compliance with an order or notice.

**Sec. 8.8 Municipal Civil Infractions.**

(A) A user/person who violates any provision of this Ordinance (including, but not limited to, any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 per day for domestic users and \$500.00 per day for nondomestic discharges for each infraction, and not more than \$1,000.00 per day for domestic users and \$5,000.00 per day for nondomestic users for each infraction, plus costs and other sanctions.

(B) Repeat offenses shall be subject to increased fines. As used in this Section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance (i) committed by a person within any 30 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

- (1) The fine for any offense that is a first repeat offense shall be not less than \$250.00 for domestic users and \$1,000.00 for nondomestic users, plus costs.
- (2) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00 for domestic users and \$2,500.00 for nondomestic users, plus costs.

(C) In determining the amount of a municipal civil infraction fine, the court shall consider the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation, the violator's recalcitrance or efforts to comply, the economic impacts of the fine on the violator, and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered by the court in determining the amount of a fine. However, mitigating factors shall not be considered unless the court determines that the violator has made all good faith efforts to correct and terminate all violations.

(D) The Township Supervisor and/or such other or additional persons as subsequently authorized by resolution of the Township Board, is authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this Ordinance which are designated as municipal civil infractions.



**Sec. 8.9 Criminal Penalties; Imprisonment.**

In addition to any applicable state and federal penalties, any person who (1) at the time of a violation knew that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the POTW under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the POTW regarding matters regulated by this ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

**Sec. 8.10 Continuing Offense.**

Each act of violation, and each day or portion of a day that a violation of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this Ordinance is permitted to exist or occur, constitutes a separate offense and shall be punishable as provided by this Ordinance.

**Sec. 8.11 Number of Violations.**

The number of violations resulting from a user's noncompliance with applicable discharge prohibitions or effluent limitations shall be determined as follows:

(A) Applicable concentration limitations and mass (or loading) limitations shall be treated as separate limitations, and a user may be liable and penalized separately for exceeding any of those limitations for a single pollutant or sampling parameter.

(B) Each violation of a daily maximum limit for a single pollutant or sampling parameter shall constitute a single violation for each day on which the violation occurs or continues.

(C) Each violation of an instantaneous maximum limit for a single pollutant or sampling parameter shall constitute a single violation for each such occurrence, and there may be multiple violations for each day on which such a violation occurs or continues.

(D) Each violation of a monthly average limit for a single pollutant or sampling parameter shall constitute a violation for each day of the month during which the violation occurred, regardless of the number of days on which samples were actually taken. (For example, in a month with 31 days, a violation of the monthly average limit for that month constitutes 31 violations for each pollutant parameter for which the monthly average limit was exceeded during the month.)

**Sec. 8.12      Nuisance.**

A violation of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this ordinance, is deemed to be a public nuisance. The Township may enforce this Ordinance by injunction or other remedy, including the right to correct any violation and bill the owner or person in charge of the premises for expenses incurred.

**Sec. 8.13      Reimbursement of Township.**

(A) *Reimbursement Required.* Any user/person who violates any provision of this Ordinance, or who discharges or causes a discharge that produces a deposit or obstruction or otherwise damages or impairs the POTW, damages public or natural resources, or causes or contributes to a violation of any federal, state or local law governing the POTW, shall be liable to and shall reimburse the Township for any expense, cost, loss, or damage (direct or indirect) caused by the violation or discharge. The costs that must be reimbursed to the Township shall include, but shall not be limited to, all costs incurred by the POTW in responding to the violation or discharge, including, but not limited to: expenses for any cleaning, repair or replacement work caused by the violation or discharge; all costs of surveillance, monitoring, pumping, treating or enforcement in connection with any violation, exceedance or noncompliance; costs for Township employee time or contractual staff or consultant services; actual attorney fees; and the full amount of any fines, assessments, penalties, claims, including natural resource damages, levied against the POTW by any governmental agency or third party as a result of a violation of the POTW's NPDES permit (or other applicable law or regulation) that is caused by or contributed to by any person, plus all actual expenses, costs, losses or damages (direct or indirect) incurred by the Township as a result thereof, including consultant fees and actual attorney fees and defense costs. The Township is authorized to correct any violation of this Ordinance or damage or impairment to the POTW caused by a user discharge and to bill the user causing the violation or discharge for the amounts to be reimbursed to the Township. Failure to pay assessed costs constitutes a separate violation of this Ordinance. Costs reimbursed to the Township under this Section shall be in addition to any penalties or remedies imposed under this Ordinance or other applicable local, state or federal law or regulation.

(B) *Determining Reimbursement Amount.* In determining the amounts to be reimbursed to the Township, the Supervisor may consider any relevant factors including, but not limited to, the following:

- (1) The volume of a discharge.
- (2) The length of time a discharge occurred.
- (3) The composition of a discharge.
- (4) The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of a discharge.
- (5) The toxicity, degradability, treatability and dispersal characteristics of the discharges.

- (6) The direct and indirect costs incurred by the Township, or imposed upon the Township to treat the discharges, including sludge handling and disposal costs.
- (7) The costs and expenses incurred by the Township in taking enforcement action against a discharger, including, but not limited to, costs in connection with inspection, surveillance, monitoring, sampling, preparation of notices of violation, orders and other enforcement documents, Township staff time (including any overtime) and actual attorney's fees, and actual fees of consultants and experts.
- (8) Fines, assessments, levies, charges, expenses and penalties imposed upon and/or incurred by the Township, including the Township's costs of defense (including actual attorney's fees, consultant and expert fees, expenses, costs and sampling and analytical fees) of actions, or suits brought or threatened against the Township by governmental agencies or third parties.
- (9) Such other factors as the POTW deems appropriate under the circumstances.

**Sec. 8.14 Cumulative Remedies.**

The imposition of a single penalty, fine, order, damage, or surcharge upon any user for a violation of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this ordinance, shall not preclude the imposition by the Township or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon or held in abeyance during any civil, judicial, or Township administrative proceeding, conference, or hearing regarding the person.

**Sec. 8.15 Judicial Relief.**

The Township Supervisor is hereby empowered, with the Township Attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this Ordinance, or of any permit, order, notice or agreement issued or entered into under this Ordinance. The Township Supervisor may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief that a Court may order. The Township Supervisor may also seek collection of surcharges, fines, penalties, and any other amounts due to the Township which the user has not paid.

**ARTICLE 9  
PROTECTION FROM DAMAGE**

It is a criminal misdemeanor for any person to maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the municipal sewer works.

**ARTICLE 10  
MUNICIPAL LIABILITY**

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

**ARTICLE 11  
MISCELLANEOUS**

**Sec. 11.1      Headings.**

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

**Sec. 11.2      Recordation; Publication; Effective Date.**

This Ordinance shall be recorded in the minutes of the meeting of the Township Board at which it was adopted, as soon as practicable after its adoption, which record shall be authenticated by the signature of the Township Supervisor, and shall be published once in a newspaper of general circulation within the Township.

**Sec. 11.3      Validity.**

If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, it shall not affect any other part of this Ordinance.

**Sec. 11.4      Repeal.**

All ordinances and resolutions and parts thereof, insofar as the same may be in conflict with the provisions of this Ordinance, are hereby repealed.

**Sec. 11.5      Conflict.**

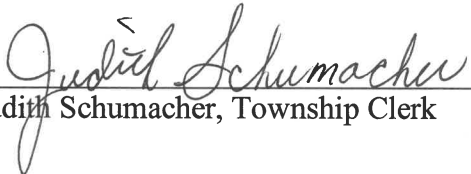
In the event of a conflict between this ordinance and any other ordinance except for an ordinance authorizing the issuance of bonds secured by the revenues of the System, this ordinance shall control.

**Sec. 11.6 Effective Date.**

This ordinance shall take effect upon publication, or twenty (20) days after its adoption, whichever occurs last.

ORDINANCE ADOPTED AND SIGNED APRIL 27, 2020

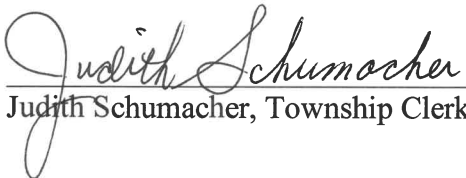
  
\_\_\_\_\_  
Kory Mindel, Township Supervisor

  
\_\_\_\_\_  
Judith Schumacher, Township Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Nottawa, Isabella County, Michigan, at a meeting held on April 27, 2020.

DATED: 5-6-2020, 2020

  
\_\_\_\_\_  
Judith Schumacher, Township Clerk