

**ORDINANCE NO. 37**  
**BEAVER CREEK TOWNSHIP/HIGGINS LAKE UTILITY AUTHORITY**  
**SEWER ORDINANCE**

An Ordinance to regulate the use of public and private sewers and drains, provide sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; to establish and provide for the collection of rates and charges for sewage disposal service; to repeal any Ordinance or provision thereof in conflict therewith; and to provide penalties and enforcement remedies for the violation of this Ordinance.

THE TOWNSHIP OF BEAVER CREEK ORDAINS:

**SECTION 1. Title**

This Ordinance shall be known and cited as the Beaver Creek Township/Higgins Lake Utility Authority Sewer Ordinance.

**SECTION 2. Purpose and Preamble**

The purposes of this Ordinance are: to prevent the introduction of pollutants into the wastewater system that will interfere with the normal operation of the system, contaminate the resulting effluent discharge, or that will be incompatible with the system; to improve the opportunity to recycle and reclaim wastewater and sludge from the system; to require structures in which sanitary sewer originates and which are in the Higgins Lake Utility Sewer District to connect to the public sewer system; to regulate the use of public and private sewers, drains, and private sewage disposal; regulate and control the installation and connection of building sewers; regulate the discharge of waters and wastes into the public sewer system; to establish rates and charges for connection to the public sewer system; to establish procedures for connection to the system; and to otherwise provide for the health, safety, and welfare of residents and property owners within the Higgins Lake Utility Authority boundaries by the prohibitions described in this Ordinance.

Said boundaries and authority of the Higgins Lake Utility Authority shall be the area commonly known as Camp Cornulia located in Beaver Creek Township, all easements and right-of-ways which connect Camp Cornulia to the treatment area and all of the treatment area as it exists at the time of adoption of this Ordinance.

The Township is empowered by Act 246 of the Public Acts of 1945, as amended (now MCL 41.181) to regulate private and public sewers, sewer connections, and to adopt Ordinances regulating the health, safety, and welfare of persons and property, and to provide penalties for the violation of this Ordinance.

**SECTION 3. Definitions**

- A. The provisions of this Ordinance supplement applicable Michigan statutes and Township Ordinances.
- B. As used in this Ordinance:
  - 1. "Authority" means the Higgins Lake Utilities Authority, which is responsible for supervising and controlling the operation, maintenance, alteration, repair and management of the System.
  - 2. "Available Public Sanitary Sewer" means a public sanitary sewer line located in a right-of-way, easement, highway, street, or public way which crosses, adjoins or abuts property in which sanitary sewage originates, and which origination site is on property that is within the Special Assessment District. This definition also includes a public sanitary sewer line that is declared available by statute.
  - 3. "BOD" (Biochemical Oxygen Demand) means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in terms of weight and concentration (milligrams per liter).
  - 4. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
  - 5. "Building sewer" means the extension from the building drain to the public sewer or other places of disposal.
  - 6. "Bypass" means the intentional diversion of waste streams from any portion of a user's pretreatment facility.
  - 7. "Class of Users" means the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:
    - a. "Commercial user" means a retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes or wastes from sanitary conveniences.



- b. "Governmental user" means any federal, state, or local government office or service facility that discharges only segregated domestic wastes or wastes from sanitary conveniences.
  - c. "Industrial user" means: any manufacturing establishment that provides a product from raw or purchased material, as well as hospitals and nursing homes. This category shall also refer to any user of the publicly owned treatment works identified in the Standard Industrial Classification Manual, under Divisions A,B,D,E, or I, excluding those users already identified in one of the other user classes. A user may be excluded from the "Industrial User" class if it is determined that such user will discharge only segregated domestic wastes.
  - d. "Institutional user" means an establishment involved in a social, charitable, religious, or educational function (such as school, church, nursing home, or hospital) that discharges only segregated domestic wastes or wastes from sanitary conveniences.
  - e. "Residential user" means a user of a sewer system whose premises or buildings are used primarily for a domicile for one or more persons (including dwelling units such as mobile homes, apartments, condominiums, or multi-family dwellings) and which discharge only segregated domestic wastes or wastes from sanitary conveniences.
8. "Combined sewer" means a sewer receiving both surface runoff and sewage.
  9. "Compatible pollutant" means a substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, as well as additional pollutants identified in the Groundwater Discharge Permit if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
  10. "Connection charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the sewer district which requires a new connection to the sanitary sewer. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment. Also called a "Tap Fee".
  11. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
  12. "Incompatible pollutant" means any pollutant other than a compatible pollutant as that term is defined in this Ordinance.
  13. "Industrial wastes" means the liquid wastes from industrial, manufacturing, trade, or business processes, as distinct from their employee's domestic wastes from sanitary conveniences.
  14. "Infiltration" means any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.
  15. "Inflow" means any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.
  16. "Infiltration/inflow" means the total quantity of water from both infiltration and inflow.
  17. "Inspector" means any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the public sewer system.
  18. "National Categorical Pretreatment Standard or Pretreatment Standard" means any federal regulation containing pollutant discharge limits promulgated by the EPA that applies to a specific category of Industrial users.
  19. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
  20. "Normal strength sewage" means a sanitary wastewater flow containing an average daily concentration of not more than 200 mg/liter of BOD, or not more than 250 mg/liter of suspended solids.
  21. "Operation and maintenance costs" ("O & M costs") means all costs (direct and indirect but other than debt service), that are necessary to operate and maintain the wastewater transportation and treatment system consistent with federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include depreciation and replacement costs).
  22. "Person" means any individual, firm, company, association, society, or its corporation, trust, estate, group, or other legal entity, or its representatives, agents, or assigns.
  23. "Ph" means the logarithm of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
  24. "Pretreatment" means the treatment of extra strength wastewater flows in privately owned pretreatment facilities to a less harmful state before discharging or otherwise introducing such pollutants into a publicly owned sewage works. The treatment may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR 403.6(d).
  25. "Pretreatment Requirements" means any substantive or procedural requirement for treating of a waste before it is included in a public sewer, including National Categorical Pretreatment Standards.



26. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in dimension.
27. "POTW" shall mean publicly owned treatment works.
28. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by the Township or Authority.
29. "Ready to serve charge" is a charge for the costs of having the publicly owned sewer available to a property or potential user, regardless of the connection to the sewer or the level of actual sewer usage.
30. "Replacement cost" means necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.
31. "Residential equivalent unit" (REU), is the standard daily quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and shall be defined or determined by the Township.
32. "Revenues" and "net revenues" carry the meaning as defined in Section 3, Act 94 of the Public Acts of 1933, as amended (now MCL 141.121).
33. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
34. "Sewage" means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of sewage are:
  - a. Sanitary sewage means the combination of liquid- and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
  - b. Industrial sewage means a combination of liquid and water carried wastes discharged from any Industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water.
  - c. Combined sewage means wastes including sanitary sewage, industrial sewage, storm water, and infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.
35. "Sewage treatment facility" means any arrangement of devices and structures used for treating sewage or wastewater.
36. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
37. "Sewer" means a pipe or conduit for carrying sewage.
38. "Shall" is mandatory; "may" is permissive.
39. "Significant industrial user" shall mean: (1) All categorical industrial users as defined in Title 40 of the Code of Federal Regulations; (2) Any noncategorical industrial user that (a) discharges 25,000 gallons or more per day of process wastewater, or (b) contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or (c) has a reasonable potential, in the opinion of the Township, to adversely affect the Treatment Works (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of Treatment Works workers.
40. "Slug" means any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration during normal operation.
41. "Sludge" shall mean any discharge of sewage or industrial waste that has a solids content of 2% or higher.
42. "Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
43. "Superintendent" means the Superintendent of The Higgins Lake Utilities Authority, or his or her authorized deputy, agent, or representatives charged with duties and responsibilities by this Ordinance.
44. "Suspended solids" means solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.
45. "System" means the complete sanitary sewage disposal system situated within the boundaries of this Ordinance, including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto may hereafter be acquired.
46. "Township" means the Township of Beaver Creek, Crawford County, Michigan, as represented by the Beaver Creek Township Board.
47. "Upset" means an exceptional incident wherein there is unintentional and temporary noncompliance with this Ordinance due to factors that are beyond the reasonable control of the user. An upset does not include noncompliance insofar as it is caused by operational error,



improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

48. "User" means any person who contributes, causes or permits the contribution of sewage into a sewage treatment facility.
49. "User O & M charge" means the charge levied on all users of the sewage works for the cost of operation and maintenance, including replacement and depreciation of such treatment works.
50. "User debt retirement charge" means the charge levied on all users of the sewage works for the cost of any bond debt of which debt repayment is to be met from the revenues of such works.
51. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
52. "Wye branch" means a local service connection to the sewer that is made at an angle similar to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

#### SECTION 4. General Regulations

- A. Discharge of Sewage. It is unlawful to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the boundaries established by this Ordinance under the Township's jurisdiction any of the following: (1) human or animal excrement, (2) garbage, or (3) other objectionable waste which ordinarily would be regarded as sewage or industrial waste.
- B. Discharge within a Sewer Service District. It is unlawful to discharge any sanitary sewage, industrial waste, or other polluted waters into any natural outlet within the boundaries established by this Ordinance, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Privy, Privy Vault, Septic Tank or Cesspool. Except as hereinafter provided and as permitted by the District Health Department #10, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.
- D. Connection to Public Sewer.
  1. Within 90 days after the date of official notice to do so, the owner of a house, building, or property that is used for human occupancy, employment, recreation, or other purposes must install at the owner's expense suitable sewage facilities, and connect the facilities directly with a proper public sewer in accordance with this Ordinance if the house, building, or property:
    - a. Is situated within a Township sewer assessment district; and
    - b. Abuts any street, alley, or right-of-way wherein there is a public sewer or combined public sewer.
  2. The official notice described in the preceding subparagraph must be a written statement signed by the Superintendent or other designated employee of the Authority, to the owner stating the date by which connection to the public sewer must be made. The notice must be delivered to the owner at the address set forth on the Township's last assessment roll by regular United States mail, deposited with fully prepaid United States postage affixed thereto in the United States mails. The notice is considered served for purposes of any subsequent proceedings as of the date of mailing.
  3. The owner or owner's representative must complete and return the connection application form and pay to the Authority the connection permit fee and receive authorized sewer permits before any work upon the building sewer or connection is commenced. All work on the building sewer and connections must be done pursuant to the provisions in this Ordinance.
  4. Upon receipt of such notice, the owner must apply for and obtain a permit from the Authority under the authority of Act 230 of the Public Acts of 1972, as amended (now MCL 125.1502), and complete construction and inspection as required by that Act, this Ordinance, and other applicable statutes, ordinances, and regulations.
  5. If the owner fails to complete construction, connection, or inspection as required above, the Authority may proceed to enforce the provisions of this Ordinance and other applicable statutes and ordinances in accordance with Act 368 of the Public Acts of 1978, as amended (now MCL 333.2511 *et seq.*), and other applicable statutes, ordinances, and regulations, including bringing a suit for injunctive relief to compel the owner to connect to the available sewer system immediately. In addition to these remedies, the Township or Authority may bring an action for a mandatory injunction or order in the Crawford County Circuit Court or other court having jurisdiction. The Township or Authority may join any number of owners of such structures in one or more of such actions to compel each owner to connect to the available public sanitary sewer.
- E. Wastewater Contribution Information. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer, or receiving stream shall file the material listed below with the Superintendent. Any industry that does not normally discharge to the sanitary sewer, storm sewer, or receiving stream, but which has the potential to do so from accidental spills or similar circumstances, must also file the material listed below.  
The Superintendent may require, upon written notification to the relevant person, that each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential



- the public sewer facility;
  2. Limit the average and maximum wastewater constituents and characteristics;
  3. Limit the average and maximum rate and time of discharge, or make requirements for flow regulations and equalization;
  4. Require the installation and maintenance of inspection and sampling facilities;
  5. Establish specifications for monitoring programs, which may include sampling locations, frequency of sampling, number of tests, types of tests, and standards for tests, and reporting schedules;
  6. Require submission of technical reports or discharge reports;
  7. Require the maintaining, retaining, and furnishing of plant records relating to wastewater discharge as the Authority specifies, and affording the Authority access thereto, and copying thereof;
  8. Require prompt notification in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, including all of the following if applicable:
    - a. Groundwaters that are purged for remedial action programs,
    - b. Groundwaters containing pollutants that infiltrate into the sewers, and
    - c. Listed or characteristic hazardous wastes;
  9. Require notification of slug discharges;
  10. Require any other conditions as it deems appropriate to ensure compliance with this Ordinance;
  11. Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who are certified by an appropriate state agency as properly qualified to supervise such facilities;
  12. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive wastes, solvents, or other wastes;
  13. Establish compliance schedules; and
  14. Control, through permit, order, or similar means, the contribution to the publicly owned sewer system by each user to ensure compliance with applicable federal, state, or local standards. The control mechanism may limit duration to a maximum of five years, require non-transferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements, contain a statement of applicable penalties for such violations, provide for the modification of the control mechanism by the Superintendent in the event of revised discharge permit conditions, water quality standards, categorical pretreatment standards, or industrial pretreatment program objectives, and a provision for the issuance, revocation, suspension, or modification of a control mechanism based on a user's compliance with categorical pretreatment standards or with this Ordinance.
- I. Monitoring Facilities. The Authority may require a user to provide and operate monitoring facilities at the user's expense to allow inspection, sampling, and flow measurement of the building sewer or internal drainage system. The monitoring facility should normally be on the user's premises, but where such a location is impractical or causes undue hardship on the user may be constructed elsewhere as the Authority deems proper. There must be adequate room near the sampling manhole or facility to permit accurate sampling and preparation of samples for analysis. The user is responsible for maintaining the facility, sampling, and measuring equipment in a safe and proper condition at the user's expense. Regardless of where constructed, the sampling and monitoring facilities must be provided in accordance with plans and specifications submitted to and approved by the Authority and all applicable standards and specifications. Construction must be completed within 90 days after written notification by the Authority.
- J. Inspection and Sampling. The Authority may inspect the facilities of any user to ascertain if the purpose of this Ordinance is being met and that the owner is complying with all requirements herein. The owner or occupant of premises where wastewater is created or discharged must allow the Authority access at all reasonable times to all parts of the premises for purposes of inspection, sampling, examining records, or other duties related thereto. Where the user has security measures in place that require identification and clearance before entry onto the user's premises, the user must make all arrangements necessary to permit authorized personnel to enter without delay the premises to perform their authorized duties.
- K. Industrial Waste. Notwithstanding any other provisions in this Ordinance and unless specifically permitted by action of the Authority, no industrial wastes or process wastewater may be discharged to the system. Industrial users must provide necessary wastewater treatment as required to comply with this Ordinance and must achieve compliance with all Pretreatment Standards in the time limitations set by the Authority. Any facilities required to pretreat wastewater to a level acceptable to the Authority must be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures must be submitted to the Authority for review, and must be approved by the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under this Ordinance. Any subsequent change in the pretreatment facilities or method of operation thereof must be reported to and deemed acceptable by the Authority before the user's initiation of the changes.



- L. Release of Information and Data. Information and data regarding a user that are obtained from reports, questionnaires, permit applications, permits, inspections, and monitoring programs must be available to the public or other governmental agency without restriction, unless the user specifically requests and demonstrates to the Authority's satisfaction that the release of such information or data would divulge information, processes, or methods of production that are entitled to protection as the user's trade secrets.
1. When requested by the person furnishing a report, the portion of a report that may disclose trade secrets must not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this Ordinance; however, such portions of a report must be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
  2. Information that the Authority accepts as confidential must not be transmitted to any governmental agency or to the general public by the Authority until a ten-day notification is given to the user. Notwithstanding the above, any applicable Federal or State Freedom of Information and Privacy Act shall regulate the release of all information.
- M. Notification. All users must notify the Superintendent, the EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the public sanitary sewer system of a substance that would be a hazardous waste under 40 CFR 261 if disposed via other means. Notification details, as well as allowable exemptions, must be in accordance with 40 CFR 403.12(p). In the case of any notification of hazardous waste discharges, the user must further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical (new regulations under section).
- N. Signing of Reports. All reports required under this Section must be signed by the authorized representative of the industrial user, and must include the following certification statement:  
 "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."
- O. Additional rules, regulations, orders. The Township may make and adopt such further rules, orders, regulations, guidelines, and policies as it deems advisable and necessary to assure the efficient and proper use of sewers, installation and connection of building sewers, and discharge of wastes into the public sewer system, all in accordance with this Ordinance. Such rules, orders, regulations, guidelines, and policies shall be effective upon approval by the Township.

## **SECTION 5. Private Sewage Disposal**

- A. Connection to Private System. Where a public sanitary or combined sewer is not available under Section 4, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the District Health Department #10.
- B. Operation of Private System. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and is responsible for all costs incident to such operation and maintenance.
- C. Disconnection from Private System. Within 90 days after a public sewer becomes available to a property served by a private sewage disposal system as provided in the preceding subparagraphs, the owner of the property must (1) make a direct connection to the public sewer in compliance with this Ordinance; and (2) abandon all septic tanks, cesspools, and similar private sewage disposal facilities, and fill in the same with suitable material.
- D. Additional Requirements. Nothing in this Section should be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Environmental Quality or the District Health Department.

## **SECTION 6. Building Sewers and Connections**

- A. Connections, Uses, Alterations.
1. A person may not uncover, connect to, open, use, alter, or disturb a public sewer (or appurtenance thereof) without first obtaining a permit to do so from the Superintendent or his or her duly authorized representative. No building sewer may be covered until the Superintendent or his or her duly authorized representative inspects and approves such. There are two classes of building sewer permits:
    - a. Permits for residential and commercial service; and
    - b. Permits for service to establishments producing industrial wastes.
 A person seeking to obtain either of the above permits must submit (1) an application on a form furnished by the Authority, (2) plans, specifications or other information considered pertinent in the judgment of the Director, and (3) the permit and inspection fee as established



- by resolution of the Authority.
2. The owner must bear all costs and expense of installing, connecting, and maintaining a building sewer to the public sewer connection. The owner must indemnify the Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
  3. A separate and independent building sewer shall be provided for every building unless a written request is submitted to the Authority seeking a waiver of this requirement and the Authority issues a written waiver of this requirement. In granting a waiver, the Authority may set forth other requirements which must be met prior to the issuance of a permit.
- B. Materials and methods of construction. Materials and methods of construction of sewers shall conform to the most current version of the "Sanitary Sewer Guidelines for the Township".
- C. Notification of Inspection. An applicant for a building sewer connection shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector.
- D. Safety and Restoration. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority.
- E. Capacity. No connection will be allowed unless there is sufficient capacity available to downstream sewers, pump stations interceptors, force mains, and treatment plants (including capacity for treatment BOD and suspended solids).
- F. Authority's Responsibility for Repairs, Operation, and Maintenance. The cost of all repairs, installation, operation, maintenance, and replacement of the public sewer must be borne by the Authority as part of the Authority's budgeted annual expense of the system, subject to the right of the Authority to impose a connection fee.
1. In pressure sewer systems, the public sewer and service connection will include the sewer facilities in the public and private right of ways and the force main from the individual grinder pump to the common force main and the electric service from the connection to the power drop to the individual pump station.
2. In gravity sewer systems, the public sewer and service connection includes the sewer facilities in the public and private right of ways and the individual service connection from the main line sewer to the right of way line.
- G. Owner's Responsibility for Repairs, Operation, and Maintenance. The cost of all repairs, installation, operation, maintenance, and replacements of existing building sewers and their connection to the public sewer must be borne by the owner.
- H. Plan review/inspection. If the Township or Authority determines that the standard application/inspection fees will not cover the actual costs for review of a sewer plan or inspection of a sewer, or that it is necessary or advisable to have any portion of the plan or sewer reviewed or inspected by other engineers or other consultants, then the applicant shall be required to pay the actual costs of this additional review or inspection. Such actual costs shall be billed to and paid by the applicant, and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.
- I. Escrow deposit. The Township or Authority may require an applicant to deposit an amount equal to the estimated actual costs associated with an application or inspection. This amount shall be held in escrow in the applicant's name and may be used solely to pay the actual costs associated with the subject application or inspection. Any unexpended funds held in escrow shall be returned to the applicant, without interest. Any actual costs in excess of the amount held in escrow shall be billed to the applicant and no occupancy permit shall be issued or maintained for the subject premises until such actual costs have been paid in full.
- J. Installation costs; indemnification. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the Township from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.
- K. Dedication of sewers to Township. If a person desires to construct a sewer line, within the boundaries covered by this ordinance, with more than one user which includes a portion to be dedicated to the Township as a public sewer, the person must comply with the following before the Township will accept the dedication as a part of the public sewer system:
1. The portion of the sewage system to be dedicated shall be constructed pursuant to a Part 41, PA 451, construction permit from the Michigan Department of Environmental Quality.
  2. A connection permit must be obtained in accordance with the requirements of this ordinance.
  3. The sewer line shall be constructed in accordance with the approved plans and inspected as necessary by representatives of the Authority or the Township.
  4. Upon completion of the construction of the public portions of the sewer line, the passing of the final inspection, and the receipt of a "bill of sale" or similar instrument transferring ownership of the dedicated portion of the system to the Township or the Authority, such sewer lines shall become part of the public sewer.



5. Two sets of the record drawings sealed by a Michigan professional engineer shall be provided to the Authority upon completion of the construction. Such drawings shall also be provided in electronic (AutoCAD) format.
  6. All sewer lines offered to the Authority as a public sewer shall be located within public right-of-ways or accompanied by a public easement in perpetuity for the purpose of obtaining access to and performing maintenance on the sewer.
  7. The Authority may require the extension of any easement for a public sewer to a property line or boundary for the purpose of facilitating future potential extensions of such sewer to serve other properties.
  8. Any other documents or records requested by the Authority in connection with the design, construction, or location of the sewer being dedicated shall be provided to the Authority upon request. This shall include, but is not limited to, items such as operation and service manuals, shop drawings, maps, and recorded easement documents and agreements.
- L. Funding/financing. Neither the Township nor the Authority shall provide any funding or participate in the financing for any improvement to the sewage works that is to be provided and dedicated to the public unless the Township and Authority determine it is in the best interests of the overall sewer system and its users for such participation to occur. In such instances, the level, extent, and method of any public participation shall be determined with due regard being given to the degree of public benefit that may be derived from such participation.

## SECTION 7. Use of the Public Sewers

- A. Discharges into System. No person may discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Any premises connected to a storm sewer must comply with applicable county, state, and federal requirements, as well as those set by the Authority. Storm water and all other unpolluted drainage must be discharged into either of the following:
1. Those sewers that are specifically designated as combined sewers or storm sewers, or
  2. A natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, into a storm sewer or natural outlet.
- B. General Public Sewer Discharge Prohibitions. Except as hereinafter provided by specific limits, a user may not contribute or discharge, or cause to be contributed or discharged any pollutant that will interfere with the operation or performance of a public sewer. This prohibition includes barring discharge of any of the following into any public sewer:
1. Conventional pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. Specific limitations for conventional pollutants include:

BOD5	200 mg/l
Total Suspended Solids	250 mg/l
Total Phosphorus	7 mg/l
Ammonia	45 mg/l
Fats, Oils and Grease (FOG)	50 mg/l

Discharges of conventional pollutants above these limits may be permitted by the Township or Authority with an associated surcharge for high strength sewage as required under this ordinance.
  2. Color (as from, but not limited to, dyes, inks or vegetable tanning solutions), that is uncontrolled so as to interfere with treatment plant processes or that prevent analytical determinations;
  3. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  4. Garbage not properly shredded (no particle size greater than ½ inch);
  5. The following pollutants shall have limitations set forth to comply with current State and Federal discharge standards to protect against pass through and interference.

Arsenic	benzene
Beryllium	cadmium
Chromium	copper
Cyanide	lead
Mercury	nickel
Selenium	silver
total phenols	zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.
  6. Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime



residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations;

7. Insoluble, solid or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc.);
8. Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides of nitrogen) and other substances capable of causing public nuisance;
9. Any sewage possessing pH less than 6.5 or greater than 9.5;
10. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations;
11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Township;
12. Wastes with a temperature of less than 32 degrees or greater than 150 degrees Fahrenheit;
13. Water or wastes containing substances that 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 water;
14. Detergents, surface-active agents, or other substances that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Superintendent, is a nuisance in the treatment process;
15. Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;
16. Any other metallic compounds in sufficient quantity to impair the operations of the sewage treatment processes; or
17. Waters containing the substances or possessing the characteristics enumerated in this Section and which, in the Superintendent's judgment, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters; may create a hazard to life; or may constitute a public nuisance.

C. Pretreatment or Surcharge for Sewage Exceeding Normal Strength. Any user that proposes to discharge process wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage". Any applicable surcharge shall be calculated as follows:

1. The normal usage charge shall be multiplied by a surcharge factor.
2. The surcharge factor shall be determined as the sum of the following:
  - a. 20% of the normal usage charge
  - b. 30% of the normal usage charge, times the ratio of actual BOD<sub>5</sub> to normal strength BOD<sub>5</sub>.
  - c. 30% of the normal usage charge, times the ratio of actual suspended solids to normal strength suspended solids
  - d. 20% of the normal usage charge, times the ratio of any other pollutant to normal strength sewage as established by the POTW

The formula for such a calculation is:

$$Cs = C \left( 0.2 + 0.3 \frac{B}{200 \text{ mg/l}} + 0.3 \frac{S}{250 \text{ mg/l}} + 0.2 \frac{P}{Pn} \right)$$

Cs = Total cost of surcharge usage

C = Normal usage charge

B = Concentration of BOD discharged by user (mg/l) - value not to be less than 200 mg/l

S = Concentration of suspended solids discharged by user (mg/l) - value not to be less than 250 mg/l

P = Concentration of any pollutant discharged by user (mg/l)

Pn = Concentration of any pollutant discharged to be acceptable as "normal strength sewage".

D. Surcharges for Single Event Discharges. Surcharges may also be levied for single event discharges that violate the conditions of this ordinance. Said charges shall be reflective of the additional cost to treat or maintain the sewage works due to the high strength discharge.

E. Protection of Wastes

1. If any waters or wastes (a) are discharged or are proposed to be discharged to the public sewers, (b) contain the substances or possess the characteristics enumerated above, and (c) are deemed by the Superintendent to have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  - a. Reject the wastes;
  - b. Require pretreatment to the level defined as "normal strength sewage";
  - c. Require pretreatment to an acceptable level (other than normal strength sewage) for



- discharge to the public sewers;
    - d. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Authority concerning the proposed flows;
    - e. Require payment to cover the added cost of handling and treating the wastes not covered using taxes or sewer charges.
  - 2. If the Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
  - 3. The Township or Authority reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 2 of this Ordinance.
- F. Interceptors. Grease, oil, and sand interceptors shall be provided when, 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, however, that such interceptors may not be required for private living quarters or dwelling units. All interceptors must be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors must be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and must be of a type and capacity approved by the Superintendent. Where installed, all interceptors must be maintained by the owner at the owner's expense.
- G. Testing of Waste and Water.
- 1. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for, or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
  - 2. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" shown in Section 8 of this Ordinance.
  - 3. Sampling manhole. If so directed by the Township, an adequate sampling vault or manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 110 volt AC. Samples collected may be divided between the industry and Authority for analysis if so desired by the industry.
- H. Dilution of Discharge. No user may increase the use of process water or attempt in any way to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations in this Ordinance.
- I. Accidental Discharge. Where required, a use must provide protection from accidental discharge or prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials must be provided and maintained at the owner's or user's expense. Detailed plans showing facilities and operating procedures to provide this protection must be submitted to the Authority for review, and must be approved by the Authority before construction of the facility. All required users must complete such a plan within 180 days after the adoption of this Ordinance and before connection to a public sewer system. If required by the Authority, a user who commences contribution to the public sewer system after the effective date of this Ordinance is not permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures does not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. Where there is an accidental discharge, it is the user's responsibility to notify the Authority of the incident. The notification must include the location of the discharge, type of waste at issue, concentration, volume, and corrective actions taken.
- 1. Within five days after an accidental discharge, the user must submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification does not relieve the user of any expense, loss, damage, or other liability that is incurred due to damage to the public sewer system, groundwater contamination, or other damage to person or property; also, the notification does not relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
  - 2. A notice must be permanently posted on the user's bulletin board or other prominent place of advising employees of whom to call in the event of a dangerous discharge. Employers must ensure that all employees who cause or suffer a dangerous discharge to occur are advised of the proper emergency notification procedures.



- J. Agreement for Industrial Waste. This Section should not be construed as preventing any special agreement between the Authority and any industrial concern whereby the Authority accepts an industrial waste of unusual strength or character in exchange for payment by the industrial concern; provided, however, that such waste will not damage the sanitary sewer, storm sewer, sewage treatment plan, or the receiving waters.
- K. Industrial Cooling Water. Industrial cooling water containing such pollutants as insoluble oils or grease, or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.
- L. Inspection. Agents of the Authority, Michigan Department of Environmental Quality, or United States Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.
- M. Upsets.
1. An upset constitutes an affirmative defense by users, provided that the user can show the following:
    - a. An upset occurred;
    - b. The user identifies the cause of the upset;
    - c. At the time of the upset, the facility at which the upset occurred was operated in a prudent manner that is consistent with applicable operation and maintenance procedures;
    - d. Within twenty-four hours of learning of the upset, the user submitted to the Authority:
      - (i) A description of the discharge and cause of noncompliance;
      - (ii) The period of noncompliance, including exact dates and times (or, if not corrected, the anticipated date that the noncompliance is expected to continue); and
      - (iii) A list of steps the user has taken or will take to reduce, eliminate, or prevent reoccurrence of the noncompliance; and
    - e. The upset did not create a fire or explosion hazard in the sanitary sewer system, cause corrosive structural damage to the system, or result in the presence of toxic vapors, gases, or fumes within the publicly owned treatment works in a quantity that may cause worker health or safety problems.
  2. If the above information was provided orally only, a written submission must be provided to the Authority within five days of the oral notification.
  3. In any enforcement action, the user seeking to establish the occurrence of an upset has the burden of proof.
- N. Bypass Provisions.
1. Bypass that produces a discharge that violates applicable National Categorical Pretreatment Standards or Pretreatment Requirements is prohibited, and the Authority may initiate enforcement actions against a user for such bypass, unless:
    - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass (e.g., use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime [except where adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to operate during normal periods of equipment downtime or preventative maintenance]); and
    - c. The user submitted required notices.
  2. If the user knows in advance of the need for a bypass, the user must submit prior notice to the Authority at least 10 days before the date of the expected bypass. The Authority may approve or disapprove a request for a bypass from a user, after considering the bypass' adverse effects.
  3. A user must submit oral notice of an unanticipated bypass that exceeds permissible Pretreatment Requirements within twenty-four hours from the time the user learns of the bypass. Unless the Authority waives such, a written submission must thereafter be provided within five days after the user learns of the bypass. The written submission must describe the bypass and its cause, state the duration of the bypass (including dates and times), and anticipated time the bypass will continue until if the bypass is ongoing, and steps taken or planned to be taken to reduce, eliminate, and prevent reoccurrence of the bypass.
- O. Record Retention. All non-domestic users subject to this Ordinance must retain and preserve for at least three years all documents (including reports, books, memoranda, reports, correspondence, and summaries thereof) relating to the monitoring, sampling, and chemical analyses made by or on behalf of the user in connection with its discharge. All documents that pertain to matters which are the subject of enforcement activities by the Authority must be retained and preserved by the user until all such activities had concluded and all relevant appeal periods have expired.

## SECTION 8. Industrial Waste Control Program

- A. Appointment of Representative. Each industry using public sewers must appoint one individual from its industry as representative who will be responsible for industrial wastes admitted to the public



sewers. The representative must be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance, or involved with prevention of accidental discharges of process wastes generated by his industry if no pretreatment is provided. In all cases, the representative must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

- B. Duties of Representative. This representative shall (1) catalogue all chemicals stored, used or manufactured by his industry, including specific chemical names, and (2) catalogue all discharges, and (3) estimate daily average flows and strengths, including process, cooling, sanitary, etc., by separating the flows according to appropriate categories.
- C. Large Process Alterations. The representative must determine if large process alterations will or are likely to occur during the next one year, two years, or five years. In making this determination, the representative must consult with management.
- D. Diagrams. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.
- E. Separation of Spent Concentrations. There shall be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner (such as in a designated area of a sanitary landfill or by a licensed waste hauler). Adequate segregation of those waters and wastes to be pre-treated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.
- F. Containment and Curbing. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill-throughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.
- G. Sampling Vault or Manhole. An adequate sampling vault or manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Director determines necessary to protect the treatment plant and receiving streams. Should the Authority desire continual flow recording and long duration, a more complex manhole would be mandatory (complete with a 110-volt AC). Samples collected may be divided between the industry and Authority for analysis if the industry so desires. The sampling vault shall be located so as to give access by Authority personnel without entering the industrial property.
- H. Fees and Surcharges. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

## **SECTION 9. Power and Authority of Inspectors and Superintendents**

The Superintendent and other duly authorized employees or representatives of the Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties as necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with this Ordinance.

## **SECTION 10. Protection From Damage**

Unless authorized by the Authority or another controlling authority, a person may not maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the sewage works.

## **SECTION 11. Conditions of Service**

- A. Connections at Time of Original Construction. At the time of original construction of the public sewer, the Authority shall install that portion of the building sewer from the public sewer to the lot or easement line of all occupied premises. The Authority shall maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from said lot or easement line to their premises. The customer shall maintain, at his expense, the building sewer.
- B. Construction After Original Construction. Those customers making connection subsequent to the time



of original construction of the public sewer shall install, at their expense, that portion of the building sewer from the public sewer to the lot or easement line to their premises.

- C. Inspection. The premises receiving sanitary sewer services shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Authority.

## SECTION 12. Enforcement; Penalties

### A. Administrative Remedies - General.

1. The Authority may suspend wastewater treatment services to any user when such is necessary in the Authority's opinion in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health, or safety, or welfare of the persons or environment, causes or may cause interference with the publicly owned sanitary sewer system, or causes or may cause the sanitary sewer system to violate any condition of its discharge permit.
2. The Authority may revoke, suspend, or terminate the wastewater discharge permit of any user who (a) fails to accurately report the wastewater constituents and characteristics of its discharge, (b) fails to report significant changes in wastewater constituents or characteristics; (c) refused reasonable access to the user's premises by representatives of the authority to inspect or monitor; or (d) violates the conditions of this Ordinance or any final judicial order entered with respect thereto.
3. A user has an affirmative defense in an action brought against it alleging the introduction of a pollutant interference at the public sewer system, or a violation of specific provisions of this Ordinance, if the user demonstrates:
  - a. The user did not know and had no reason to know that its discharge, alone or in combination with a discharge or discharges from other sources, would cause interference or a violation of this Ordinance; and
  - b. A local limit was in effect for the pollutant that caused the interference, and the user was in compliance with this local limit directly before and during the interference; or a local limit was not in effect for the pollutant that caused the interference, and the user's discharge did not substantially change the prior discharge activity.
4. The Authority may suspend wastewater treatment service of any user who willfully and knowingly violates any provision of this Ordinance.

### B. Administrative Notices and Orders.

1. When it is determined that a user violated this Ordinance, the Authority must issue a Notice of Violation to formally document the noncompliance. This document must specify the nature of the violation, the date by which the violation must be corrected, and advise the user that failure to correct the violation by the date specified will constitute a further violation that may result in additional enforcement action. The Notice of Violation must be sent via first-class mail or personally served on the user or the user's representative. Receipt or non-receipt of a Notice of Violation in no way relieves the affected user of liability associated with the violation. Issuing a Notice of Violation does not bar and is not a prerequisite for further enforcement actions by the Authority against the user.
2. When it is determined that a user violates this Ordinance, the Authority may issue an Administrative Order to Show Cause requiring the affected user to appear at a hearing to demonstrate why escalated enforcement action should not be pursued. This notice must specify the nature of the violation, state the time and place for the hearing, and notify the user that failure to comply constitutes a violation of this Ordinance that may result in additional enforcement action. The Order to Show Cause must be issued at least ten days before the hearing date, and must be sent via certified mail-return receipt requested, or personally served on the user or the user's representative. Receipt or non-receipt of an Order to Show Cause does not relieve the user from liability associated with the violation. Issuance of an Order to Show Cause or conducting the show cause hearing does not bar and is not a prerequisite to additional enforcement action by the Authority.
3. When the Authority and a user agree to a violation and to the remedial solution, the Authority may issue an Order of Consent to formally establish that agreement, specifying the nature of the violation, and the required actions (such as compliance schedules, stipulated fines, additional self-monitoring, and improvements to treatment facilities or management practices designed to control the user's discharge of the sewer). The Order of Consent must be sent via certified mail-return receipt requested, or personally served on the user or the user's representative. The Order of Consent must be executed by the User and Authority, and will have the full force and effect as other administrative orders issued by the Authority pursuant to this Ordinance, and is judicially enforceable, and may not modify the requirements. Execution or non-execution of an Order of Consent does not relieve the user from liability associated with the violation. Issuance of an Order of Consent does not bar and is not a prerequisite to additional enforcement action by the Authority.
4. When the Authority and affected use do not agree to the violation or to the remedial solution, the Authority may issue an Order to Achieve Compliance, to formally specify the nature of the violation and establish required actions (such as compliance schedules, stipulated fines,



additional self-monitoring, and improvements to treatment facilities or management practices designed to control the user's discharge of the sewer). This Order to Achieve Compliance will be issued unilaterally in that terms need not be agreed to by the affected user, and will be sent via certified mail-return receipt requested, or personally served on the user or the user's agent. This Order has the same force and effect as other administrative orders issued by the Authority pursuant to this Ordinance, and is judicially enforceable, and may not modify the requirements. Execution or non-execution of an Order to Achieve Compliance does not relieve the user from liability associated with the violation. Issuance of an Order to Achieve Compliance does not bar and is not a prerequisite to additional enforcement action by the Authority.

5. When it is determined that a user violated and continues to violate any provision of this Ordinance, the Authority may issue a Cease and Desist Order requiring the affected user to cease the violation within twenty-four hours or face suspension of sewer service. This document must specify the nature of the violation, and require that the violation cease. If the user continues that violation after twenty-four hours after issuance of the order, the Authority may suspend sewer service without further notice until such time as the affected user is able to demonstrate that it will comply with this Ordinance. The Cease and Desist Order must be personally served on the user or the user's representative. Receipt or non-receipt of a Cease and Desist Order does not relieve the user of any liability associated with the violation. Issuance of a Cease and Desist Order does not bar and is not a prerequisite to further enforcement action by the Authority.
  6. Whenever it is determined that a user's discharge violates this Ordinance, and that such violation creates or threatens to create an emergency situation (e.g., damage to the sewer collection system, hazard to the environment, or endangerment to the public health or safety), the Authority may issue an Emergency Cease and Desist Order notifying the affected user of the violation and demanding that the user eliminate the violating discharge immediately at the expense of service severance via a temporary plug into the user's sewer connection at any time and without further warning. This document must specify the nature of the violation, and require that the violating discharge cease until such time as the user is able to demonstrate that the user can comply with this Ordinance. This document must also establish the time and place for a hearing wherein the affected user must present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and notify the user of the user's liability for any costs incurred by the Authority in conducting this enforcement action. The Emergency Cease and Desist Order must be personally served on the user or the user's representative, or may be delivered verbally via telephone to the user or user's representative after which service of the document must be made personally. Receipt or non-receipt of an Emergency Cease and Desist Order does not relieve the user of liability associated with the violation. Issuance of a Cease and Desist Order does not bar and is not a prerequisite to further enforcement action by the Authority.
  7. Except in emergency situations addressed in the preceding subparagraph, whenever it is determined that a user's continuing violation of this Ordinance warrants revocation of its privilege to discharge to the publicly owned sewer system, the Authority must issue a Notice of Termination to warn the user of impending suspension of service up to and including severance via a temporary plug in the affected user's sewer connection. This document must specify the date and the time of the scheduled service suspension in order to allow the user to either voluntarily cease the violating discharge or arrange appropriate actions (such as production shut-down or alternative means of wastewater disposal). This document must also establish the time and place for a hearing, wherein the user must present a written statement regarding the causes of the violation and measures taken to prevent future occurrences, and further notify the user of its liability for costs incurred by the Authority in conducting the enforcement action. The Notice of Termination must be personally served on the user or the user's representative at least ten days before the scheduled service suspension. Receipt or non-receipt of a Notice of Termination does not relieve the user of liability associated with the violation. Issuance of a Notice of Violation does not bar and is not a prerequisite to further enforcement action by the Authority.
  8. In addition to the sanctions, orders, liabilities, and other remedies prescribed herein, a user is liable to the Authority for all fines, penalties, and associated legal and other costs incurred due to the user's violation that is attributable, in whole or in part, to the user's violation.
- C. Rights on Appeal. Except for emergency situations covered under Section 12B6, any user desiring to dispute a Notice of Violation or order of the Authority may present a written request for reconsideration to the Authority within ten days of notification of the order at issue (except regarding Notice of Termination, in which case the written request must be submitted within five days of notification). If in the Authority's opinion the request has merit, the Authority shall order a hearing on the matter as soon as possible to collect testimony of appropriate persons, take evidence, and render a final determination. If the user's appeal is unsuccessful, the user may be liable for the costs the Authority incurs in the appeal process. Further appeal of the Authority's final determination is governed by applicable state law. Submission of an appeal by a user does not relieve the user of liability associated with the violation. An appeal does not stay the corresponding order appealed, and



does not limit any other enforcement actions the Authority may pursue against the user.

D. Judicial Penalties.

1. When it is determined that a user has violated this Ordinance, regardless of whether the above procedures have been followed, the Authority may petition the Circuit Court of Crawford County for appropriate legal and equitable relief, including obtaining an injunction or other appropriate order as above provided.
2. A violation of this Ordinance is declared to be a public nuisance, and the Authority may enforce same by injunction or other remedy, including the right to correct the violation and collect the costs thereafter from the owner or person in charge of the subject premises.

E. Legal Relief.

1. A user who willfully or negligently violates or continues to willfully or negligently violate any provision of this Ordinance or an order issued hereunder, or other Pretreatment Standard or Requirement is guilty of a misdemeanor and may be punished by a fine of up to five-hundred dollars (\$500) per violation, or imprisonment for up to ninety (90) days, or both. Each day during which the violation occurs is deemed a separate violation, and in the case of a violation of a monthly or other long-term average discharge limits, gives rise to a penalty for each day during the period of averaging.
2. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or order issued hereunder, or Pretreatment Standard or Requirement, is guilty of a misdemeanor and may be punished by a fine of up to five-hundred dollars (\$500) per violation, or imprisonment for up to ninety (90) days, or both. Each day during which the violation occurs is deemed a separate violation, and in the case of a violation of a monthly or other long-term average discharge limits, gives rise to a penalty for each day during the period of averaging.
3. A user who falsifies, tampers with, or knowingly renders inaccurate any data device or test method used to monitor a discharge pursuant to this Ordinance or order issued hereunder, or Pretreatment Standard of Requirement is guilty of a misdemeanor and may be punished by a fine of up to five-hundred dollars (\$500) per violation, or imprisonment for up to ninety (90) days, or both. Each day during which the violation occurs is deemed a separate violation, and in the case of a violation of a monthly or other long-term average discharge limits, gives rise to a penalty for each day during the period of averaging.

- F. Liability to the Authority. Any person violating this Ordinance is liable to the Authority for any fines, penalties or expenses incurred by the Authority due to that person's violation.

### SECTION 13. Operation of the System

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Authority. Said Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

### SECTION 14. Sewer User Charge System

- A. Rates. The rates for total sewer service charges are to be established by resolution of the Authority, which may be enacted apart from the published regulations as necessary to ensure sufficiency of revenues in meeting operation, maintenance, and replacement costs, as well as debt service. Such rates must be fixed and revised from time to time as necessary to produce these amounts. Such charges must be made against each lot, parcel of land or premises that may have any sewer connections to the sewer system, or which may otherwise discharge sewage or industrial waste (directly or indirectly) into such system or any part thereof, whether maintained by the Authority or the owner where an on-site easement has not been granted. Rates for sewage service shall be reviewed annually and revised as necessary to meet system expenses to ensure that all user classes pay their proportionate share of operation, maintenance, and equipment replacement costs. An annual audit must be prepared.
- B. Equivalent Units. The rates and charges for service furnished by such system are to be levied on the basis of the schedule of residential equivalent units (REUs), adopted by the Authority and presented in Appendix A; except as provided in this Section for nonresidential users or in cases where the character from the sewage from a manufacturing or industrial plan, building, or premises is such that additional burden is placed on the system, the additional cost of treatment created thereby must be an additional charge over the regular rates hereinafter set forth; or, the Authority may if deemed advisable compel such manufacturing or industrial plan, building, or premises to treat such sewage in such manner as specified by the Authority before discharging such sewage into the sewage disposal system.
- C. Meters. The Authority may institute charges on commercial, industrial, and institutional, users, and other non-residential users based on metered water use. Meters must be installed to the Authority's requirements and remain accessible for inspection and reading by an Authority representative. Costs of meters and with the reading, installing, billing, and collecting metered charges must be borne by the



user. Periodic charges, consistent with the Authority's billing period and rate structure, will be based on the REUs initially assigned to the customer by the Authority. The Authority must review bi-annually the need to increase the assigned REUs to a non-residential user based on an increase in metered water, at any time while service is provided but not more than once in a continuous two-year period.

1. Annual metered water consumption between April 1 and March 31, over two consecutive years immediately preceding the date of an individual review, must be used as the basis for determining adjustments to increase the assigned REUs of a non-residential user.
  - a. The initial assigned REUs for non-residential users must not be reduced at any time after the service account is established or if the service is reestablished.
  - b. An institutional, commercial, or other non-residential user greater than one REU whose average monthly meter water consumption over a consecutive two-year review period exceeds their assigned REUs shall pay the necessary additional connection charges associated with the additional REUs within sixty days of notification by the Authority. The Authority may require the customer to reduce the usage to the original assigned use if capacity is not available. The monthly charges will also be increased to reflect the additional REUs of the user determined by the method described herein.

D. Applications and Billing. All applications shall include the following, and provisions shall be uniform for all users within the public sanitary sewer system, except as otherwise provided herein:

1. Each user, upon application for a permit to connect to the publicly owned sanitary sewer treatment, must pay a sewer service application fee as established by the Authority.
  - a. Including, appropriate surcharges that the Authority adopts per resolution in order to reimburse the Authority for additional cost of operation and maintenance of the wastewater treatment works due to violations of this Ordinance or surcharges for extra strength wastewater discharged to the sewer. The charges and fees for the services provided by the system shall be levied upon any industrial user that may have any sewer connections with the publicly owned sanitary sewer system. Such charges must be based upon the quantity and quality of wastewater used thereon or therein.
  - b. A fee as determined by the Authority when the Authority determines that a user stored, used, or otherwise possessed on the premises bulk chemicals, cleaning agents, or other materials that may interfere with the publicly owned sewer system and which may require protection from accidental discharge. This fee must be paid at the time of application for a permit to connect to the publicly owned sanitary sewer system, and must be used to administer this industrial pretreatment and spill prevention program.
  - c. There shall be additional charges for laboratory testing of industrial wastewater samples. The laboratory charge must be for the cost thereof and will be determined for each particular user.
2. No free service is allowed to any user of the public sanitary sewer system.
3. Billing for sewer system service is the Authority's responsibility and bills shall be rendered quarterly unless otherwise provided by the Authority.
4. Bills for sewage disposal service are due and payable at the business office of the Authority or to any designated agent on their date of issue. If not paid by the 20th day thereafter, the bills are delinquent and are subject to a penalty of 10% thereof. Bills shall be dated and mailed quarterly and shall cover one quarter (3 months). If a bill is not paid within 90 days after its date of issuance, the Authority shall serve upon the customer a written notice of delinquency. If a delinquent bill is not paid within thirty days (30) after written notice is mailed, the Authority may take all measures permitted by law to recover the delinquent and owing amount.
5. The charges for services furnished to a premises, pursuant to Section 21 of Act 94 of the Public Acts of 1933, as amended (now MCL 141.121), are a lien on the premises. Whenever any such charges are delinquent for three months or more, the Authority shall certify the delinquency annually, on August 1st of each year, to the tax-assessing officer of the Township along with the facts of such delinquency. Thereafter, the tax-assessing officer must enter the lien on the next tax roll against the premises to which the services have been provided, and the charges shall be collected and the lien thereof enforced in the same manner as provided for the Township's collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. However, where notice is given that a tenant is responsible for such charges and services as provided by said Section 21, no further service shall be rendered to such premises until a cash deposit in the amount of \$100 is made as security for payment of such charges and service.
6. All customers of the public sewer system may obtain an annual notification, printed on the bill or enclosed in a separate letter, showing the breakdown of the sewer bill into its components for operation, maintenance, and replacement.
7. Unless a change of address has been filed in writing at the business office of the Authority, the Authority will mail all bills and notices relating to operation of the system to the customer



- at the address listed on the application for the connection permits. The Authority is not otherwise responsible for delivery of any bill or notice, and customers are not excused from nonpayment of a bill or from any performance required in said notice.
8. The Authority may either reject an application to connect to the system or disconnect sewer service upon the violation of any rule, regulation, or condition of service, including for any of the following reasons:
    - a. Misrepresentation in the application as to the property or residential equivalents to be serviced by the sanitary sewer system;
    - b. Nonpayment of bills; or
    - c. Improper or imperfect service pipes and fixtures, or failure to keep the same in a suitable state of repair.
  9. Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Authority reserves the right to request a nominal sum (to be established by the Authority by resolution) to be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit before it reconnects or re-establishes service. The Authority may not re-establish service until all delinquent charges, penalties, deposits, or other charges have been paid.
  10. The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the collection system or treatment equipment, all customers affected by such interruptions will be notified in advance whenever it is possible to do so.

#### **SECTION 15. Sewer Connection Charges**

- A. Assessment Fees. All premises connected directly or indirectly to the public sanitary sewers, and being located on land included within the boundaries of a sanitary sewer special assessment district, shall be charged an assessment fee in accordance with the provisions of said special assessment district. In addition, where no lateral stub exists, the actual cost of the installations of said stub, along with the service lateral, will be borne entirely by the property owner.
- B. Township Connection Fee. Each premises connecting to the System shall pay a connection fee to the Township in cash at the time of application for a connection permit, in an amount to be established by resolution of the Township.
- C. Change in use of premises. In the event there is an increase or change in the use of any particular multi-family, commercial, or industrial user's premises being served by the sewer system, additional connection charges consistent with the new or increased use shall be assessed and shall be payable in the same manner as a sewer use charge when billed. This charge shall be based upon the difference of the then applicable connection charges for the new or increased use and the then applicable connection charges for the immediately preceding use.

#### **SECTION 16. Taking Without Just Compensation**

This Ordinance is not to be construed to abrogate rights or authority otherwise granted or protected by law.

#### **SECTION 17. Validity and Severability**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

#### **SECTION 18. Repeal**

All Ordinances and parts of Ordinances that are in conflict with this Ordinance are hereby repealed, including without limitation Beaver Creek Township Ordinance No. 37.



**BEAVER CREEK TOWNSHIP  
CRAWFORD COUNTY, MICHIGAN**

**NOTICE OF ORDINANCE No. 37 ADOPTION/SUMMARY**

TO: The residents and property owners of Beaver Creek Township, Crawford County, MI and any other interested persons; Please take notice that at a meeting held on November 9, 2009, the Beaver Creek Township Board adopted Ordinance No. 37 which is summarized as follows:

**SECTION 1 – TITLE:** Beaver Creek Township/Higgins Lake Utility Authority Sewer Ordinance No. 37.

**SECTION 2 – PURPOSE:** Ordinance to regulate private and public sewers, sewer connections, and to adopt regulating the health, safety, and welfare of persons and property, and to provide penalties for the violation of this ordinance.

**SECTION 3 – DEFINITIONS:** Defines terms applicable to this ordinance.

**SECTION 4 – GENERAL REGULATIONS:** Defines lawful/unlawful discharges into the sewer system; provides procedures and requirements when new users connect to the public sewer.

**SECTION 5 – PRIVATE SEWAGE DISPOSAL:** Identifies responsible parties when a private sewage system is in use and provides a timetable for connection to the public sewer.

**SECTION 6 – BUILDING SEWERS AND CONNECTIONS:** Identifies specific responsibilities of the owner/user who wants to connect to the public sewer as well as the duties and responsibilities of any utilities authority or other entity having jurisdiction. This section also states the Township's "Sanitary Sewer Guidelines" which provides the technical specifications for the construction of sewers.

**SECTION 7 – USE OF THE PUBLIC SEWER:** Provides a very detailed list of prohibited discharges and practices for industrial, commercial and residential users. Also, outlines pretreatment requirements, surcharges for violations, and required actions in the event an accidental discharge of prohibited materials.

**SECTION 8 – INDUSTRIAL WASTE CONTROL PROGRAM:** Identifies special requirements for industrial users.

**SECTION 9 – POWER AND AUTHORITY OF INSPECTORS AND SUPERINTENDENTS:** Allows the representatives of an authority or other entity having jurisdiction to enter upon all properties for necessary inspections and monitoring, in accordance with this Ordinance.

**SECTION 10 – PROTECTION FROM DAMAGE:** Prohibits malicious damage to sewer equipment and properties.

**SECTION 11 – CONDITION OF SERVICE:** Discusses connection to the sewer prior to or after construction.

**SECTION 12 – ENFORCEMENT; PENALTIES:** Defines enforcement procedures, notification requirements, and penalty alternatives as associated with violations of the ordinance. Designates violation to include a misdemeanor and penalties up to \$500.00 or 90 days in jail or both.

**SECTION 13 – OPERATION OF THE SYSTEM:** Places total responsibility for management and operation of the Higgins Lake sewer system with the Higgins Lake Utilities Authority.

**SECTION 14 – SEWER USER CHARGE SYSTEM:** Outlines procedures for billing, setting use change rates, and non-payment thereof.

**SECTION 15 – SEWER CONNECTION CHARGES:** Defines types of fees associated with connecting to the sewer.

**SECTION 16 – TAKING WITHOUT JUST COMPENSATION:** Limits the scope of authority of any utilities authority board or other entity having jurisdiction.

**SECTION 17 – VALIDITY AND SEVERABILITY:** If any part(s) of this ordinance is declared void by a court of competent jurisdiction, only the voided parts can be removed, not the whole ordinance.

**SECTION 18 – REPEAL:** This ordinance supersedes any and all prior sewer ordinances.

**SECTION 19 – EFFECTIVE DATE:** Establishes the effective date of this ordinance to be 30 days after publication as required by law.

PLEASE TAKE FURTHER NOTICE THAT THE FULL TEXT OF THE ORIGINAL ORDINANCE NO. 37 MAY BE INSPECTED AND A COPY OF SAME WILL BE FURNISHED BY CONTACTING THE BEAVER CREEK TOWNSHIP CLERK AS INDICATED BELOW:

SHARON HARTMAN, CLERK  
BEAVER CREEK TOWNSHIP  
8888 S. GRAYLING ROAD  
GRAYLING, MI. 49738  
998-275-8878



**BEAVER CREEK TOWNSHIP  
CRAWFORD COUNTY, MICHIGAN  
ORDINANCE NO. 37-1A**

**AMENDMENT TO THE BEAVER CREEK TOWNSHIP SEWER ORDINANCE**

This amendment to the Beaver Creek Township Sewer Ordinance clarifies Paragraph No. 1 in Section 6-F "Authority's Responsibility for Repairs, Operation, and Maintenance". The amendment points out the fact that in the project contract between Higgins Lake Utilities Authority and Camp Curnalia, it stipulates that the Authority owns and is responsible for the grinder pump canister and their contents. Further contracts entered into between the Authority and add on users may not include Authority ownership of the grinder pump canister and their contents. The amendment also adds a parenthetical definition of a service connection.

**TOWNSHIP OF BEAVER CREEK, CRAWFORD COUNTY, MICHIGAN ORDAINS:**

In Paragraph 1 of Section 6-F

The phrase "from the individual grinder pump" is hereby deleted and is replaced by the phrase "including the individual grinder pump".

The words "In the Camp Curnalia..." are hereby added to the beginning of Paragraph 1, Section 6-F.

The parenthetical phrase "(the point where the building sewer connects to the grinder pump canister and its contents)" is hereby inserted in line one of Paragraph 1, Section 6-F, after the words "service connection".

Paragraph 1, Section 6-F now reads as follows:

In the Camp Curnalia pressure sewer system, the public sewer and service connection (the point where the building sewer connects to the grinder pump canister and its contents), will include the sewer facilities in the public and private rights-of-way and the force main including the individual grinder pump to the common force main and the electric service from the connection to the power drop to the individual pump stations.

**EFFECTIVE DATE:**

This ordinance shall take effect the day following the date of publication as required by law.

Ordinance adopted: 6/14/2010

Published: \_\_\_\_\_

Effective date: \_\_\_\_\_