

Tuscarora Township
CHEBOYGAN COUNTY, MICHIGAN

SANITARY SEWER USE ORDINANCE

Ordinance No. 28

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TUSCARORA TOWNSHIP
SANITARY SEWER USE ORDINANCE

An ordinance to protect the health, safety and welfare of the people; to provide for the connection of structures in which sanitary sewage originates to an available public sanitary sewer system; to regulate the design, construction and use of public and private sewers and drains and private sewage disposal facilities; to prescribe limitation on the discharge of certain waters and wastes into a public sewer system; to provide for the administration of this Ordinance; and to establish remedies.

The Township of Tuscarora located in Cheboygan County, Michigan, ordains:

FINDING OF NECESSITY

A public sanitary sewage system is essential to the health, safety and welfare of the people of the Township. Failure or potential failure of septic tank disposal systems poses a menace to health, presents a potential for the transmission of disease, and for economic blight, and constitutes a threat to the quality of surface and subsurface waters of the Township. The connection of structures in which sewage originates to an available public sanitary sewer system at the earliest reasonable date; the proper design, construction and use of public and private sewers and drains and private sewage disposal facilities; and protective limitations on the discharge of certain waters and wastes into the public sewer system; are all matters for the protection of the public health, safety and welfare and are necessary in the public interest, which is hereby declared.

ARTICLE 1
DEFINITIONS

1.1 **Definitions** A-I. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(a) "BOD" (denoting "Biochemical Oxygen Demand") means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees C and is expressed in terms of weight or in terms of concentration by milligrams per liter (mg/l).

(b) "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge inside the walls of the building and conveys it to the building sewer. The building drain shall begin five (5) feet outside the inner face of the building wall and terminate in the building.

(c) "Building Sewer" means the extension from the building drain to the public sanitary sewer or other place of disposal.

(d) "CBOD" (denoting "Chemical Oxygen Demand") means the oxygen-consuming capacity of organic and inorganic matter present in sewage expressed in milligrams per liter (mg/l).

(e) "Cesspool" means an underground pit into which raw household sewage or other untreated liquid waste is discharged, and from which the liquid seeps into the surrounding soil or is otherwise removed.

(f) "Chlorine Demand" means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of contact time expressed in milligrams per liter (mg/l).

(g) "Connection Inspector" means the person designated by the Township Board or, if not by the Township Board, by the Township Supervisor, as responsible for inspecting connections of individual structures to the public sanitary sewer system.

(h) "Defined Sewer District" refers to all the parcels within the Special Assessment District that was established on April 11, 2012.

(i) "Domestic User" means a user of the System who discharges only Domestic Wastewater into the System.

(j) "Domestic Wastewater" means the liquefied wastes such as human excreta; wastes from sinks, lavatories, bathtubs, showers, laundries, and any other water carried wastes or organic nature either singly or in combination, from personal or residential sanitation.

(k) "GPD" means gallons per day.

(l) "Garbage" means solid wastes from the preparing, cooking and dispensing of food, and from the handling, sale, and storage of produce.

(m) "Holding Tank Waste" means any waste from holding tanks such as boats, chemical toilets, campers, trailers, motor homes, septic tanks, vacuum-pump tank trucks, other tank trucks, barrels, or other such tanks or containers.

(n) "Industrial Wastewater" means the liquefied or liquid carried wastes, solids, or semisolids from industrial, commercial or institutional processes as distinct from Domestic Wastewater.

(o) "Interference" means any discharge which alone or in conjunction with a discharge from other sources,

- (1) inhibits or disrupts the System and any of its processes or operations, or the use or disposal of its sludge;
- (2) causes a violation of any requirement of the applicable NPDES Permit (including an increase in the magnitude or duration of a violation).

1.2 Definitions J-R. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(p) "May" is permissive.

(q) "MDEQ" means the Michigan Department of Environmental Quality or any successor agency.

(r) "NPDES Permit" means the National Pollution Discharge Elimination System Permit issued for the System.

(s) "Natural Outlet" means any outlet into a watercourse, pond, lake, ditch, or other body of surface or groundwater.

(t) "Nuisance" means, but is not limited to, any condition where sewage or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake, or stream; or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.

(u) "Person" means any individual, firm, company, association, partnership, society, corporation, group, trust, or other legally recognizable organization or entity.

(v) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(w) "Properly Shredded Garbage" means the wastes from the cooking, preparation, and dispensing of food that have been shredded or cut to such degree that all particles will be freely carried under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(x) "Public Sewer" means a Sanitary Sewer within the System.

(y) "REU" Residential Equivalent Unit: Unit basis for determining water usage and billing. One REU is equal to one single-family residence. Also known as a benefit.

1.3 Definitions S-Z. The following definitions of words, phrases and abbreviations shall apply to this Sanitary Sewer Ordinance.

(z) "Sanitary Sewer" means a sewer which carries Sewage. Storm, surface, and ground waters are not admitted to a sanitary sewer.

(aa) "Seepage Pit" means a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material, loosely laid with open joints to allow septic tank overflow or effluent to be absorbed directly into the surrounding soil.

(bb) "Septic Tank" means a watertight tank or receptacle used to receive wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and any other similar waste lines. The septic tank is intended to provide for the separation of substantial portions of the suspended solids in such wastes and the partial destruction by bacterial action on solids so separated.

(cc) "Service Area" means a portion of the area within the boundaries of the Township.

(dd) "Sewage" means any combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.

(ee) "Sewage Disposal Facilities" means a privy, cesspool, seepage pit, septic tank, subsurface disposal system, or other devices used in the disposal of sewage or human excreta.

(ff) "Sewage Treatment Plant" means any arrangement of devices and structures used for treatment of sewage.

(gg) "Sewage Works" means all facilities for collecting, pumping, treating, and disposing of sewage.

(hh) "Sewer" means any pipe, tile, tube, or conduit for carrying sewage.

(ii) "Shall" is mandatory.

(jj) "Slug" means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.

(kk) "Standard Specifications" means the TUSCARORA TOWNSHIP Standard Specifications for Sanitary Sewer, as they may be amended or any successor standards adopted by the Township Board.

(ll) "State" means the state of Michigan, including any agency or official of competent jurisdiction.

(mm) "Storm Sewer" or "Storm Drain" means a sewer which carries storm or surface waters or drainage, but excludes sewage or polluted industrial wastes.

(nn) "Subsurface Disposal System" means an arrangement for distribution of septic tank effluent or overflow beneath the ground surface.

(oo) "Suspended Solids" means solids either floating on the surface of or suspended in water or sewage, and which are removable by laboratory filtering.

(pp) "System" means the complete sanitary sewer disposal system lying within the Township and includes all collection lines, mains, and other piping; all pump and lift stations; all control structures; all manholes; the sewage treatment plant; the outfall piping; and all appurtenances.

(qq) "Toilet Device" means a privy, outhouse, septic tank, or toilet, chemical closet, or other device used for the disposal of human excreta.

(rr) "Township" means Tuscarora Township a Michigan municipal corporation.

(ss) "User" means any person who is an owner, operator, or occupant of a premise connected to or discharging into the System.

ARTICLE 2

USE OF PUBLIC SEWERS

2.1 Connection Required: Within the Defined Sewer District:

a) All structures of every kind and character situated within the Sewer District that are used or are available for use for household, commercial, industrial, institutional or other purposes in which there are toilet, kitchen, laundry, bathing or other domestic, industrial or commercial facilities generating sewage shall be connected directly to the public sanitary sewer.

b) The connection of existing structures to a newly installed public sanitary sewer which is available for connection as provided in paragraph (a) of this Section shall be made not later than 12 months from the date of publication of notice by the Township of the availability of the public sanitary sewer in a newspaper of general circulation in the

Township. Provided, however, that upon a finding by the Local Health Department that sewage emanating from a structure is causing an immediate health hazard or public nuisance, the Township or the Local Health Department may require the connection to be made forthwith after notice to the owner of the property on which the structure is located. The notice may be given by first class or certified mail or by posting on the property.

c) The connection of structures to a public sanitary sewer which are completed, or which are modified so as to become a structure in which sewage originates, after the date of installation of the available public sanitary sewer shall be made not later than the time such structure or modified structure is completed and is available for use.

2.2 Connection for New Plats - Inside the defined Sewer District:

The owner or owners of any lands platted or divided into four or more lots in the Service Area after the effective date of this Sanitary Sewer Ordinance may apply for a Public Sewer to be installed in the plat at the owner's expense and pay such other fees as required. This sewer shall meet the construction and capacity requirements as directed by the Township. The owner(s) shall apply to connect each of these plat sewers to the existing Public Sewer in the Service Area in which the plat is located. Such application shall be approved by the Township. The Township's designated engineer shall review all plans and specifications, and the owner or developer of the lots shall pay all costs incurred by the Township for the review and approval of such plans and specifications and for the inspection and approval of the sewers installed in the plat, as well as their connection to the Public Sewer. Once constructed and accepted by the Township, such sewers in the plat shall be Public Sewers.

Township Board Approval is required for parcels outside of the defined Sewer District.

2.3 Extensions to Serve Other Parcels- Inside the defined Sewer District:

One service connection will be provided to all parcels within the Sewer District as part of the special assessment amount. Any additional connections or extensions would be at the property owner's expense.

Owners of undeveloped parcels located within the Service Area who requested that Public Sewer service not be extended to the undeveloped parcel at the time of construction may, at a future date, request that the parcel be serviced by the Public Sewer. If no service connection or lateral was constructed to such property, no such connection shall occur until a service connection and lateral area is constructed in accordance with the Township's specifications and under the review of the Township Engineer. The owner or developer shall obtain all required County Road Commission and other permits. The plans and specifications for the building drain, building sewer, service connection, and lateral shall be submitted to the Township and may be referred to the Township's designated engineer for review and approval. The property owner or developer shall pay all costs of the connection, including all costs incurred by the Township to review and approve plans and to inspect the same. The owner or owners of the parcel shall apply to connect to the existing Public Sewer of the Service Area in which the land is located. Such application must be approved by the Township. The owner(s) of the parcel shall be responsible for payment of all costs related to construction and connection of the service, including, but not limited to, actual construction costs; backfill, restoration, and replacement costs; and all applicable permit, inspection, and hook-up fees. Construction and connection of the

service shall be in accordance with the Standard Specifications. Also, all conditions and requirements of this Sanitary Sewer Ordinance shall be satisfied by the owner(s) before the Township will allow connection to the system.

Township Board Approval is required for parcels outside of the defined Sewer District.

BUILDING SEWERS AND CONNECTIONS

2.4 Connection Permit Required. No unauthorized persons shall uncover, make any connections with or open into, use, alter, or disturb any Public Sewer or its appurtenances without first obtaining a written permit from the Township.

2.5 Permit Application. Prior to connection of a Building Sewer to the Public Sewer, the owner or the owner's agent shall submit a permit application to the Township. This application will be on a special form furnished by the Township. The permit application shall be supplemented by any fees, and by any plans, specifications, or other information required. Any user which will be discharging non-Domestic Wastewater shall provide detailed information about the quantities, characteristics, timing, and other aspects of its anticipated discharges into the Public Sewers, as well as details of any pre-treatment, slug control, discharge rate controls, spill prevention plans, and other controls or safeguards to be in the applicant's facility.

2.6 Permit Duration. A permit shall be valid for a period of one year from the date of issuance.

2.7 Payment of Costs: Indemnification of Township. During the initial phase of construction a service lead will be extended from the sanitary sewer to the property line. The Building Sewer will make connection to that service lead at the property line. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner or applicant. A contractor hired or approved by the Township shall construct any needed lateral or stub from the Public Sewer main to the property line. The property owner shall pay all costs of such construction. The owner or applicant shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

2.8 Separate Sewer for Each Building. Separate and independent Building Sewer leads shall be provided for every building. Exceptions will be considered by the Township only for pre-existing buildings which cannot otherwise be connected to the Public Sewer. Exceptions will also be considered by the Township for integrated manufacturing facilities with process or assembly connections between buildings.

2.9 Old Building Sewers. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or the Connection Inspector, to meet all requirements of this Sanitary Sewer Ordinance and adopted plumbing code standards.

2.10 Pipe Requirements. The Building Sewer shall meet the requirements of the Standard Specifications.

2.11 Building Sewer Diameter. The size of the building sewer shall not be less than six (6) inches in diameter for all new construction with two (2) REU's or more. Existing buildings making connection to the system may use their existing piping on their own property upon the owner's discretion. Typical piping requirements are 4" for residential and 6" for commercial.

2.12 Check valves. All Building Drains shall have check valves or other backflow preventers. The failure to have proper functioning check valves or other backflow preventers shall serve as a defense to the Township against any and all claims including but not limited to a property damage claim or physical injury claim as a result of a sewage disposal event pursuant to MCL 691.1417.

2.13 Fees Established. The Township shall be responsible for the establishment of, and provide for the collection of, all permit, hook-up, and inspection fees as may be required.

2.14 Distancing from Water Lines. A minimum distance of ten (10) feet shall be maintained between the Building Sewer and any water-carrying pipes.

2.15 Building Sewer Elevation and Slope. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to and within three (3) feet of any bearing wall. The minimum depth of the Building Sewer at the property line shall be six (6) feet below the established street grade. Where this minimum depth cannot be obtained, the Building Sewer shall be laid with a rise of one-quarter (1/4) inch per foot.

2.16 Lift Device Required. In all buildings in which any Building Drain is too low to permit gravity flow to the Building Sewer, Sewage to be carried by the Building Drain shall be lifted by approved means and discharged to the Building Sewer.

2.17 Riser. Where the Public Sewer is more than twelve (12) feet deep measured from established street grade, a riser shall be constructed on the Public Sewer, bringing it up to six (6) feet using methods and materials approved by the Township.

2.18 Specifications and Inspection. All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the Township. No backfill shall be placed until the work has been inspected and approved by the Connection Inspector. Cinders shall not be used as backfill.

2.19 Joints. All joints and connections shall be made gastight and watertight and meet the requirements of the Standard Specifications.

2.20 Sampling Manhole. Upon Township review applicants which will be discharging non-Domestic Wastewater into the System may be required to construct and install a sampling manhole in a location, outside of any building or structure on the premises, which is accessible at all times by the Township employee who shall review and approve the plans and specifications for that manhole.

2.21 Connection Specifications. The connection of the Building Sewer to the Public Sewer shall be made at the wye or tee branch. If the property owner wishes to connect a Building Sewer to the Public Sewer and no wye or tee branch is available, the owner shall meet with the Township and, if required, with the Township Board. At this meeting, the parties will determine the exact location and method of cutting into the Sewer and materials to be used.

2.22 Prohibited Connections.

Storm Water / Artesian Wells: No person shall make connection of roof down-spouts, exterior footing or foundation drains, areaway drains, storm drains, or other sources of surface runoff or groundwater (including artesian wells and any type of geothermal system waste) to a Building Sewer or building drain which in turn is connected directly or indirectly to any Public Sewer.

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2.23 Compliance with Codes. Connection of the Building Sewer to the Public Sewer shall conform to requirements of the Standard Specifications, building and plumbing codes, and this Sanitary Sewer Ordinance along with appropriate specifications of the A.S.T.M., the W.P.C.F. Manual of Practice No. 9 and the Ten State Standards. Any deviation from the prescribed procedures and materials must be approved by the Township.

2.24 Safety Measures. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township at the expense of the owner.

2.25 Notification for Inspection. The applicant for the Building Sewer permit shall notify the Connection Inspector when the Building Sewer is ready for connection with the Public Sewer. The connection shall be made under the supervision of the Connection Inspector.

2.26 Capacity Available Downstream. Connections will not be permitted if there is inadequate capacity available in the downstream portions of the Public Sewer or at the sewage treatment plant.

2.27 Maintenance. The owner of the property which is served by the System shall, at his own expense, maintain and repair the Building Drain and the portion of the Building Sewer located on his property. The property owner shall be responsible for the maintenance and cleaning of the entire Building Drain and Building Sewer from the structure in which sanitary sewage originates out to the Public Sewer main. The Township shall be responsible for the maintenance, cleaning and repair of the Public Sewer main and for the repair or replacement of broken or crushed portions of the Building Sewer from the main to the property line and shall have no responsibility of any sort for the Building Sewer or the Building Drain located on the owner's property. The Township obligation to clean sewer lines extends only to the Public Sewer main which collects and transmits the sewage of various properties served by the System. The Township shall have no responsibility to clean the Building Sewer, any private sewer lines or lateral lines.

ARTICLE 3 USE OF THE PUBLIC SEWER

3.1 Surface Storm and Cooling Water Prohibited. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling waters into any Public Sewer.

3.46 Proper Storm Water Disposal. Storm water and all other unpolluted drainage shall be discharged to the ground surface, or to a natural outlet approved by the Township or the State.

3.47 Prohibited Discharges. Except as provided by more specific limits stated in this Sanitary Sewer Ordinance, no person shall discharge or cause to be discharged any of the following to any Public Sewers:

- (a) BOD₅ in excess of 300 mg/l.
- (b) COD in excess of 450 mg/l.

- (c) Chlorine Demand in excess of 15 mg/l.
- (d) Any explosive liquid, solid, or gas including, but not limited to, any benzene, naptha, fuel oil, or other flammable material, and including, but not limited to, any substance which results in sewage having a closed air flashpoint of less than 140°F or 60°C.
- (e) Pollutants having a corrosive property capable of causing damage to the structures, equipment or employees of the sanitary sewer system, including but not limited to wastewater with a pH less than the limit set forth in subsection (n) below.
- (f) Any Garbage which is not Properly Shredded.
- (g) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the sewer at temperatures between 32°F and 150°F.
- (h) Inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in unusual concentrations; or any material which can be disposed of as trash.
- (i) Substances which tend to settle out in the sewer, causing stoppage or obstruction to flow.
- (j) Liquids which are corrosive.
- (k) Garbage with particles greater than one-half inch in dimension.
- (l) Insoluble, solid, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, paunch manure or any substance which can be disposed of in the trash.
- (m) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (n) Substances having a pH less than 6.5 and greater than 9.0.
- (o) All toxic, poisonous or radioactive wastes exceeding limits established by applicable state and federal regulations.
- (p) Any substance harmful to pipes, jointing material, and manholes.
- (q) Any live animals or fish.
- (r) Suspended solids in excess of 350 mg/l.
- (s) Wastes having a temperature less than 32°F or greater than 150°F.
- (t) Any substance which could cause any blockage of any pipes or could cause interference.
- (u) Any Holding Tank wastes except as approved by the Township in accordance with policies of the Township and only at such places in the System as may be designated by and after the sampling and analysis required by such policies.

- (v) Color, as from, but not limited to, dyes, inks, and vegetable tanning solutions, if they interfere with light absorbency or analytical determinations.
- (w) Discharges resulting in excess foaming during treatment.
- (x) Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, and paint thinners.
- (y) Any discharge violating any order of the Township, any permit requirement, or any order of an agency or court of competent jurisdiction.

3.48 Industrial Cost Recovery.

(a) Applicability. Any non-governmental non-Domestic User of the System which discharges more than the equivalent of 25,000 gpd of non-domestic wastewater into the System and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- Division A. Agricultural, Forestry and Fishing.
- Division B. Mining.
- Division D. Manufacturing.
- Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.
- Division I. Services.

including (i) any discharger listed in those divisions with a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to the weight of BOD or SS normally found in 25,000 gpd of Domestic Waste; (ii) any user discharging into the System any substance in a quantity which either singly or by interaction with other wastes, causes an Interference, a Nuisance, or a hazard to any person or animal, shall comply with section 3.5 of this Ordinance.

(b) Cost Recovery If any user were to contribute ten percent or more of any one design parameter that is flow, BOD, or SS, a letter of intent to use the Sewage Treatment Plant shall be required. Those users contributing less than ten percent will not be required to submit a letter of intent but shall be subject to an industrial cost recovery charge. Such users shall construct a sampling control manhole for the purpose of measuring the amount of and determining the type of non-domestic wastewater introduced to the Sewage Treatment Plant by the user. As a result of the flow measuring and sampling, the Township may require the Non-Domestic Wastewater to be pretreated prior to introduction to the Public Sewer. If for any reason such a user should cease operation during the cost recovery period, it will not be held responsible for cost recovery payments. The capacity formerly utilized by that user shall become available for increases in loading or for new industrial users. The removal of a user from the cost recovery system shall not in any way affect the industrial cost recovery charge for any other user.

3.49 Non-Complying Discharges. If any sewage or substances are discharged, or are proposed to be discharged to the Public Sewers in violation of Section 3.3 of this Sanitary Sewer Ordinance, and which in the judgment of the Township may have a deleterious effect upon the

System, its processes, its effluent, or the receiving waters, or which might otherwise be hazardous or constitute a public nuisance, the Township may:

- (a) Reject the Sewage or other substances.
- (b) Require pre-treatment to an acceptable condition for discharge to the Public Sewers
- (c) Require control over the quantities and rates of discharge into the Public Sewers.
- (d) Require payment to cover the added cost of handling and treating the Sewage or other substances as provided in this Article.

If the Township permits the pre-treatment or equalization of Sewage flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Township, and subject to the requirements of all applicable laws, rules, regulations, orders, directives, and permit requirements.

3.50 Pre-Treatment Facilities. Where pre-treatment or flow equalizing facilities are provided on a User's premises, they shall be constructed, installed, operated, repaired, and maintained continuously in satisfactory and effective operation, by the owner at the owner's expense.

3.51 Special Arrangements. Nothing in this Sanitary Sewer Ordinance shall prevent any special agreement or arrangement between the Township and any non-Domestic User whereby a non-domestic wastewater of unusual strength or character may be accepted in the System for treatment, subject to payment therefore, by the non-Domestic User.

3.52 Arrangements With Other Municipalities. Nothing in this Sanitary Sewer Ordinance shall prevent any agreement or arrangement between the Township and any municipality whereby sewage from another municipality may be accepted in the System for treatment, subject to payment by the municipality.

ARTICLE 4 ADMINISTRATION, ENFORCEMENT AND FINES

4.1 Entry and Damage Prohibited. No person, without prior written authorization, shall break, damage, destroy, uncover, deface, tamper with, climb upon or enter into any line, main, pipe, manhole, pump, lift station, plant, building, structure, equipment, facility, improvement or appurtenance belonging to or part of the System.

4.2 Use Conditional. Use of the System and any discharge into any Public Sewer is conditional upon compliance with this Sanitary Sewer Ordinance including, without limitation, the payment of all rates, fees and charges for such use and the compliance with all orders, directives, permit requirements and requests for information pursuant to this Sanitary Sewer Ordinance. Users of the System are required to comply with all such orders, directives, permit requirements and information requests issued or made pursuant to this Sanitary Sewer Ordinance.

4.3 Remedies Cumulative. All remedies provided in the Sanitary Sewer Ordinance, including, without limitation, those in Article 5 and this Article 4, are cumulative of each other and of any other remedies available at law or in equity.

4.4 Notification Required. Any owner, occupant or operator of any premises or other person who knows or has reason to know a discharge into the System or any Public Sewer within the System has occurred or is going to occur in violation of Article 3 of this Sanitary Sewer Ordinance shall immediately notify the Township or, if the Township cannot be contacted, any other Township official, of the time, source, quantity and characteristics, including any offending characteristics, of that discharge. Such notification shall include any corrective actions which have been taken. Such notification shall be followed, within 24 hours, with a written report providing updated information fully disclosing all the above information in addition to a detailed description of how the violation occurred.

4.5 Sampling. The Township may sample or cause to be sampled at such times and frequencies as the Township may deem appropriate the Sewage of any User. If a violation is found after analyses, the violating user shall reimburse the System the cost of any such sampling and analyses.

4.6 Public Nuisances Per Se. A violation of this Sanitary Sewer Ordinance is declared to be a public nuisance *per se* for which the Township may avail itself of any remedies available at law or in equity.

4.7 Costs. Any person violating any provision of this Sanitary Sewer Ordinance shall, in addition to any other fines or consequences, reimburse the Township for any costs it may incur to investigate and prosecute that violation, to remedy or repair any damage to the System as a result of such violation, to pay any fines or penalties incurred as a result of any violation (such as a resulting violation in an NPDES Permit), to better assure such violations or damages do not recur, to compensate any persons injured or to pay for any damage to property (including natural resources) damaged as a result of any violation and for any other costs that incurs as a result of any violation. Costs may include without limitation, engineering and consultant fees, sampling and analytical fees, legal fees, personnel costs, costs for replacing Systems equipment or components, fines or penalties paid to the MDEQ or other agency, equipment rental, and other costs.

4.8 Remedies and Cost Recovery.

(a) The Township may obtain any remedy allowed by law for any violation of any discharge limitation, a pretreatment standard or requirement.

(b) A violation of this Sanitary Sewer Ordinance shall make the violator, including without limitation the owner of the property in violation or on which the violation occurs, liable for a civil fine up to \$1,000, or other amount allowed by law for each violation of any pretreatment standard or requirement. The following rules apply to violations:

- (i) Each day that a violation continues shall constitute a separate offense.
- (ii) Each substance or quantity discharged into the System in violation of Article 3 of this Sanitary Sewer Ordinance shall constitute a separate offense.
- (iii) A separate violation occurs for each pollutant that exceeds an applicable discharge limitation or pretreatment standard.

- (iv) If a user is in noncompliance with any discharge limitation or pretreatment standard that is a monthly average, 30-day average, seven day average or other daily average, then the user has one violation on each day of the averaging period.
- (v) If for any period a user has violated both a maximum and an average discharge limitation or pretreatment standard for a particular pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated and the days in the averaging period.
- (vi) One violation occurs on:
 - (A) Each day that a report is late; and
 - (B) Each day after an action required to be completed is not completed.

(c) If a user's discharge results in a deposit, an obstruction, damage or an impairment in the sanitary sewer system, then the user shall be liable to the Township for the costs of cleaning, repairing or replacing the affected components.

(d) In any enforcement action, the Township may recover from the user subject to the enforcement action the Township's costs for sampling, analysis, other surveillance measures and time devoted to the action by the Township, Township Attorney or other personnel.

(e) A user shall be liable to the Township for fine or costs or other liability imposed upon the Township if:

- (i) The user has violated any discharge limitation or pretreatment standard or requirement.
- (ii) The user's violation has caused the Township to violate any requirement to which it is subject or increased the magnitude or duration of a violation or resulted in the Township's incurring any other liability.
- (iii) An enforcement action against the Township by the DNR, the EPA or any other person resulted in the penalty or other liability being imposed upon the Township.

(f) In addition to any other rates, fees, charges, fines, penalties or other costs, a user shall be responsible for any additional costs incurred by the Township as a result of the user's violation of this article, including without limitation expenses for additional monitoring, sampling or analysis, expenses for additional investigation, costs for additional reports, costs for storing, dumping or treating discharges, costs of damage to or loss of the treatment works or natural resources, fines and penalties. The user shall be notified of all such charges and shall pay them within 30 days of notification. Failure to pay shall be a violation of this article.

4.9 Misdemeanors.

(a) A person who knowingly submits or prepares for submission to the Township a false statement, representation, or certification in any application, record,

report, plan or other document, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.

(b) A person who knowingly tampers with or alters a monitoring device or process (including, without limitation, a meter), causing inaccurate readings or results, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.

4.10 Enforcement.

(a) This Sanitary Sewer Ordinance is enforceable by the Township, its constituent municipalities and any municipality contracting with the Township for service. A person charged with and authorized to enforce this Sanitary Sewer Ordinance may issue a citation or an appearance ticket to any person who is reasonably believed to have violated any of this Sanitary Sewer Ordinance.

- (i) The Township shall exercise its enforcement powers against a violator within any constituent municipality or any municipality contracting with the Township for service.
- (ii) A municipality may exercise its enforcement powers against a violator located in territory under its jurisdiction.

(b) Enforcement powers include the power to bring an action in a court of competent jurisdiction to enjoin the violation of this Sanitary Sewer Ordinance, to bring an action to recover actual damages sustained due to a violation of this Sanitary Sewer Ordinance and to be awarded costs and fees in those actions as provided in sections 2401 to 2461 of the Revised Judicature Act of 1961, 1961 P.A. 236, as amended.

4.11 Administrative Orders. The Township may, in case of any violation of the provisions of Article 3 of this Sanitary Sewer Ordinance order the User to pre-treat its Sewage or to control the quantities and rates of its discharges to the Public Sewer. Such order shall be in writing and shall provide a date by which the necessary facilities are constructed, installed and put into operation. Users to which such an order is issued shall comply with the requirements of Section 3.5 of this Sanitary Sewer Ordinance pertaining to the application for and construction and installation of such facilities.

4.12 Termination of Service. In case a violation of any provision of the Sanitary Sewer Ordinance constitutes or results in an imminent threat to the public health or safety or an imminent violation of an NPDES Permit requirement, the Township may immediately, upon written notice to the User, terminate the User's use of the System. In other situations, service may be terminated after written notice and an opportunity for a hearing before the hearing panel. (see Section 4.15 Appeals Procedures.)

4.13 Right of Entry. The Township, the Connection Inspector, the MDEQ, any agent of the Township for any premises within the System's Service Area, and any agent of a Constituent Municipality, shall have the right during any reasonable business hours to enter the premises of any User to inspect, observe, measure, sample and test to assure compliance with this Sanitary Sewer Ordinance. Such persons shall provide identification upon the request of any property owner or occupant.

4.14 Authorized Officials. The Township may hire such employees and agents as it deems reasonably necessary and convenient for the administration of the sanitary sewer system. The Township may also appoint special committees or panels to address any issues that may arise to provide the Township Board with guidance. The Connection Inspector and any officer of the Township are designated as Township officials authorized to issue civil infraction notices and citations as provided in this Sanitary Sewer ordinance.

4.15 Appeals.

(a) Any person aggrieved by an action of the Township or the Connection Inspector pursuant to this Sanitary Sewer Ordinance may appeal in writing to the Township Clerk who shall transmit the appeal to the Township Board. That body shall at its next regular meeting either decide to itself hear the appeal as the appeal panel or appoint a separate appeal panel of not less than three persons who may be Township officers or employees (provided they are not subordinates to the official from whom the appeal was made), consultants, engineers, attorneys or others and need not be Township residents.

(b) The written appeal shall state with specificity the issue being appealed, the basis for the appeal, the supporting facts for the appeal, the supporting legal basis, if any, for the appeal, the relief sought and any other information deemed relevant to the appeal and shall have attached all supporting documents.

(c) The appeal panel shall provide the appellant and the official from whom the appeal was made notice of the time and place for a hearing on the appeal which shall not be more than sixty (60) days after the appeal was filed and of the rules and procedures to be followed at the hearing. The hearing may be informal and need not follow any formal rules of evidence.

(d) The appeal panel shall within thirty (30) days after the hearing and any time after the hearing allowed for the filing of supplemental information, render its decision in writing. It may affirm the decision of the official from whom the appeal was made, reverse that decision or modify the decision. It may also condition its decision with terms the appeal panel deems necessary to assure the protection of the public health, safety and welfare, and the protection of the System.

(e) If the appellant does not prevail in the appeal, the appeal panel may order the appellant to pay all costs incurred by the Township or by a Constituent Municipality as a result of the appeal.

(f) The decision of the hearing panel shall be final.

ARTICLE 5 RATES, FEES AND CHARGES

5.1 Rationale. It is recognized that use of the System requires payment of costs of providing the services of the System. Such costs include not only the day-to-day operation and maintenance costs, but also the costs incurred to construct and install the System components, the cost to undertake reasonably foreseeable repairs and replacement, etc. When the System components were designed and constructed,

they necessarily needed to be sized to accommodate all foreseeable possible usage of the System from a premises and so the System is available to accommodate such reasonably foreseeable usage. Accordingly, certain charges are imposed regardless of actual usage while other charges recognize that those who actually make more use of the System should pay more.

5.2 Resolution Establishing. The rates, fees and charges, including but not limited to the Residential Equivalent Unit/Benefit Charges as calculated utilizing the Township Schedule of Benefits Table, for permits issued pursuant to this Sanitary Sewer Ordinance, and for connection to and use of the System shall be in such amounts as are established by resolution of the Township Board.

(a) Such rates, fees and charges shall be established in amounts sufficient to pay all costs of the operation, maintenance and repair of the System and any amounts required to be paid or maintained under the terms of any bonds or other obligations of indebtedness of the System, including without limitation, a fund balance reasonably anticipated to be sufficient to fund reasonably anticipated equipment replacement and emergency repairs of the System.

(b) The use of a meter on the premises to calculate flow for the purpose of billing for use may be at the option of the property owner if they have two (2) or more REU's but the Township reserves the right to require a meter for users if it is deemed necessary to properly bill that customer for operational cost.

(c) Such rates, fees and charges may, in the discretion of the Township Board include the following in such amounts or at such rates as determined by the Township Board:

(1) Permit fees in amounts as are reasonably determined to cover the costs of permit issuance, inspection and enforcement.

(2) Connection fees in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System.

(3) Flat rate sewer use charge per REU.

(4) Readiness to serve charges or debt service charges based upon residential equivalent units, meter size or other methodology as determined by the Township in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

(5) Commodity or usage charges in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

(6) Special rates, fees and charges in amounts and on such basis as is reasonably determined to be sufficient to pay the costs of special services.

(c) At least annually the Township shall review the rates, fees and charges and adjust them as necessary to meet the requirements of this rule 5.2.

(d) Irrigation systems may be connected before the meter or be metered separately and used as a deduct meter because that flow will not be going into the sewer system and should not be part of the metered use.

(e) No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

5.3 Billing and Collection.

(a) When System rates, fees and charges are not timely paid, it is necessary to re-bill, to undertake other procedures required by this article, to prepare separate notices and accountings and undertake other tasks that are not needed if they are timely paid. In addition, the other System users essentially subsidize the non-paying or late paying user's use of the System. The System is not established, operated or well-adapted to provide financing services for its users. Accordingly, charges are made to compensate the System for the costs incurred due to untimely payments.

(b) Bills will be rendered at such intervals as are determined by resolution of the Township Board, but not less frequently than quarterly.

(c) Bills shall be due and payable without interest or late fee at such time after billing as is stated on the bill, provided not less than fifteen (15) days shall be given for such payment after the billing date.

(d) Bills not paid by the due date shall bear interest at such rate and be subject to a rebilling fee as determined by the Township Board.

(e) Service, installation, inspection, use and material rates, fees and charges, including late fees and interest due thereon, shall constitute a lien on the premises served from the date of such service unless the Township is served with written notice that a tenant is responsible for such charges. The Township official or officials in charge of the collection shall annually, not later than September 1 of each year, certify to the tax assessing officer of the Township the fact and the amount of the delinquency in payment for sewer services to the property. Such lien shall have the same priority and shall be collectible in the same manner as delinquent ad valorem real property taxes. If the Township is provided with notice in writing, including a copy of the lease of the affected premises, that a tenant is responsible for the sewer charge, the Township Board may require as a condition to rendering sewer services to such premises a cash deposit equal to service charges at current rates for three months (one quarter) as security for the payment of service charges.

(f) In addition to the other methods of collection and enforcement provided in this rule or in law or at equity, the Township may, after notice of its intention to do so and of the opportunity for a hearing to show cause why it should not occur, have the right to shut-off sewer service to any premises for which rates, fees and charges for sewer service are not paid by the due date, and such service shall not be re-established until all delinquent charges, interest, penalties and a turn-on charge, to be specified by the Township, have been paid.

(g) In addition to the other methods of collection and enforcement provided in this rule or in law or at equity, the Township shall have the option of collecting all rates, fees, charges, interest and late fees due pursuant to this Sanitary Sewer Ordinance by legal proceedings in a court of competent jurisdiction.

ARTICLE 6 MISCELLANEOUS

6.1 Severance. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

6.2 Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

6.3. Effective Date. This ordinance shall become effective 30 days after adoption and publication.

CERTIFICATION

I, SUSAN FISHER, Clerk for the Township of Tuscarora, County of Cheybogan, State of Michigan, certify that this is a true copy of an Ordinance adopted by the Board of Trustees of the Township of Tuscarora at a special meeting on the 10th day of July, 2013 pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.

Susan Fisher, Township Clerk

First Publication Date: July 18, 2013
Adoption Date: July 10, 2013