

82.000

**SEWAGE DISPOSAL SYSTEM ORDINANCE:  
RATES, USAGE, REGULATIONS, MANDATORY  
CONNECTION AND ENFORCEMENT**

**Ordinance No. 193**

Adoption: September 9, 2003

Effective: January 20, 2004

An ordinance of Cooper Charter Township to regulate and control the construction, installation, extension, service connection and operation of public sewer mains, and public sewer service within said Township; to regulate discharge into public sewer mains; to provide for service charges for persons utilizing such public sewer system; to provide for penalties for the violation of such ordinance; and to repeal all ordinances or parts in conflict therewith.

**A. Title**

A new ordinance is hereby adopted which shall be known as the SEWAGE DISPOSAL SYSTEM ORDINANCE: RATES, USAGE, REGULATIONS, MANDATORY CONNECTION AND ENFORCEMENT, as follows:

**B. Purpose**

It is hereby determined to be desirable and necessary for the public health, safety, and welfare of the Township that public sewer service be provided by the Township or its designated representative pursuant to agreement of the parties, and/or pursuant to existing agreements with the City of Kalamazoo for disposal of sewage at City treatment facilities.

**C. Operation**

Management, Operation and Maintenance. The management, operation and maintenance of the System shall be under the supervision and control of the Township or its designated representative. In this regard, the Township or its designated representative may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of rates and charges, and to assure the efficient management and operation of the System.

**D. Definitions**

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

**Accessory Buildings** shall mean subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s), use of which is incidental to the use of the main building.

**Available Public Sanitary Sewer System** shall mean a public sewer which is part of the Public Sewer System (tapped or untapped) located in a right-of-way, easement, highway, street, or public way and which is extended or will be extended to the edge of the easement right-of-way abutting the property and passes not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

**Authorized Local Official** shall be the Supervisor of the Township or its designated representative shall be the authorized local official for purposes of issuance of a notice and/or municipal civil infraction under Section 82.000(N) of this Ordinance.

**The Township or its designated representative** shall mean the governing body of the Township or its designated representative.

**Board of Appeals** shall mean the Township Building Board of Appeals acting in the capacity as the Wastewater Board of Appeals.

**BOD Biochemical Oxygen Demand** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/l).

**Building Sewer** shall mean the extension of the privately-installed pipe from the building to the public sewer or other accepted place of disposal.

**C.O.D. or Chemical Oxygen Demand** shall mean the oxygen consuming capacity of inorganic and organic matter present in sewage.

**Claimant** shall be defined as a property owner that believes that a sewage disposal system event caused damage to the owner's property, a physically injured individual who believes that a sewage disposal system event caused the physical injury, or a person making a claim on behalf of a property owner or physically injured individual. Claimant includes a person that is subrogated to a claim of a property owner or physically injured individual described in this subdivision.

**Classes of Users** shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

1. **Residential user** - shall mean any individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multi-family dwelling units, etc., that discharges only segregated domestic waste from sanitary conveniences.
2. **Commercial user** - shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic waste from sanitary conveniences.
3. **Institutional user** - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only segregated domestic waste or wastes from sanitary conveniences.
4. **Governmental user** - shall mean any federal, state or local governmental office or governmental facility that discharges only segregated domestic waste or wastes from sanitary conveniences.
5. **Industrial user** - shall mean any user of the System which is identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the Industrial User class if it is determined that such user

will discharge only segregated domestic strength wastes or wastes from sanitary conveniences.

Exhibit A shall apply in determining connection charges and user charges of all of these classes of users.

**Compatible Pollutant** shall mean those pollutants, which the wastewater system is or may be designed to produce or remove from wastewater in accordance with the City of Kalamazoo ordinance.

**Connection Charge** shall mean the amount charged at the time, and in the amount hereinafter provided, to each house, building, structure or unit(s) in which sanitary sewage originates per MCLA 333.12751, which connect to the sanitary sewer per this ordinance.

**Cost of Replacement** shall mean expenditures and costs for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the System to maintain the performance for which the System was designed and constructed.

**Debt Retirement Charges** shall mean charges imposed as part of the monthly or quarterly user fee for the purpose of paying costs of retiring contracted debt.

**Direct Connection** shall be defined as a lot, parcel, building site or house, having a building or structure connecting directly to the lines of the system.

**Direct Connection Fee** shall be defined as the fee charged to each lot, parcel, building site or house, having a building or structure connecting directly to the lines of the system.

**Director** shall mean the Supervisor of the Township or the Director of its designated representative or his/her authorized representative.

**First Floor Service:** Public gravity sewer availability at a depth sufficient to service first floor of existing buildings, those in existence prior to the construction of the sanitary sewer.

**Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking, dispensing, storage and handling of food, and from the handling, storage and sale of produce.

**Gravity Sewer** shall mean wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

**Health Department** shall mean Kalamazoo County Health Department.

**Hydraulic Loading; Hydraulic Impact** shall mean the effect of new or additional water flows upon a continuing system of transportation and/or treatment.

**Incompatible Pollutant** shall mean any pollutant that is not a compatible pollutant, as defined above.

**Indirect Connection** shall be defined as a lot, parcel or building site containing more than one dwelling or dwelling units not directly connecting to the public sewer or for commercial and industrial structures, requiring capacity exceeding one residential equivalent unit.

**Indirect Connection Fee** shall be defined as the fee charged for each indirect connection or each additional residential equivalent unit used by a commercial or industrial facility.

**Industrial or Commercial Wastes** shall mean the liquid waste from the place of the user's business, trade or profession.

**Industrial Users** shall mean users which discharge industrial wastes.

**Infiltration** shall mean water other than wastewater that enters 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.

**Infiltration/Inflow** shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

**Inflow** shall mean water other than wastewater that enters a sewer system through such sources as, but not limited to, building down spouts, footing or yard drains, cooling water discharges, seepage lines from spring and swampy areas, and storm drain cross connections.

**Inspection and Administration Fee (permit fee)** shall mean the amount charged to each house, building, structure or unit(s) by the Township or its designated representative at the time an application is made to the Township or its designated representative for connection to the public sewer system, to cover the routine cost of inspecting and approving the physical connection of a building sewer and service connection to the public sewer system, the issuance of a connection permit and related administrative expenses.

**Inspector** shall mean any person or persons authorized by the Township or its designated representative to inspect and approve the installation of sewers, including the inspection and approval of building sewers.

**Lateral Main** shall mean any sewer line of the System to which a service stub connects or may be connected.

**Mg/l or mg/l** shall mean parts per million as used in reference to quantitative analysis of water and wastewater (sewage).

**Michigan Department of Environmental Quality (MDEQ)** shall mean the Michigan Department of Environmental Quality or any other agency designated by Michigan state law to regulate matters pertaining to the environment.

**Miscellaneous Customer Fee** shall mean the amount charged to users for miscellaneous services and related administrative costs associated with the System.

**Municipality** shall mean Cooper Charter Township.

**Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**New Construction** shall mean any house, building or improvement or any other structure in which sanitary sewage originates, which is constructed after the original public sewer line and which is within 200 feet to an available public sewer to which such house, building, improvement or structure connects.

**Normal Strength Sewage** shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

**NPDES Permit** shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the state.

**Nuisance** shall mean without limitation, any condition where sewage or the effluent from any sewage disposal facility is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground or into any natural outlet.

**O, M, & R Charge** shall mean the charge levied on all users of the System for the cost of operation and maintenance, including replacement and depreciation.

**Operation and Maintenance Costs** shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the System. Operation and maintenance costs shall include replacement costs.

**Owner** shall mean the person responsible for the property taxes as shown on the current tax roll of the municipality or a tenant or other party who may consent in writing to be responsible for the property.

**Person** shall mean any individual, firm, company, association, society, corporation or group.

**pH** shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

**Pressure System; Pressure Sewer** shall mean a sewer line in which sewage is transported solely by means of attached pumps and appurtenances.

**Pretreatment** shall mean the treatment of extra strength industrial wastes in privately-owned pretreatment facilities prior to discharge into the public sewer system.

**Properly Shredded Garbage** shall mean garbage that has been shredded to such a degree that no particle shall be larger than one-eighth inch in any dimension and all particles can be carried freely in the wastewater under the flow conditions normally prevailing in the System.

**Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by the Township or its designated representative.

**Replacement Costs** shall mean expenditures made during the service life to the System to replace equipment and appurtenances necessary to maintain the intended performance of the System.

**Revenues, Net Revenues** shall be defined as set forth at Section 3, Act 94, Public Acts of Michigan, 1933 as amended.

**Sanitary Sewer System** shall mean a public pipe or system of pipes publicly owned which convey waste waters from residences, commercial buildings, industrial plants, institutions, or other structures as a part of the wastewater collection system.

**Sewage Disposal System Event** shall be defined as the overflow or backup of the sewage disposal system onto real property. An overflow or backup is not a sewage disposal system event if any of the following was a substantial proximate cause of the overflow or backup:

1. An obstruction in a service lead that was not caused by a governmental agency.
2. A connection to the sewage disposal system on the affected property, including, but not limited to, a sump system, building drain, surface drain, gutter, or downspout.
3. An act of war, whether the war is declared or undeclared, or an act of terrorism.

**Sewage Treatment Facility** shall mean any arrangement of devices and structures used for treating sewage.

**Sewer Lead** shall mean that portion of the service connection which connects to the sewer main located in the public right-of-way and extends therefrom to the property line and includes the tee/wye, the sewer lead, related pumping facilities and appurtenances (but not including the building sewer), which is and shall remain a part of the public sewer under the control of the Township or its designated representative.

**Shall, May:** ■**Shall** is mandatory; ■**May** is permissive.

**Slug** shall mean 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 5 times the average 24 hours concentration during normal operation.

**Storm Drain** (sometimes termed ■**storm sewer**.) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**Suspended Solids** shall mean 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.

■**System** or ■**the System** shall be understood to mean the complete facilities of the Township or its designated representative(s) pursuant to agreement system, including but not limited to such facilities located within the Township, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used or useful in the collection and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be made.

**Unit or Units** shall mean a standard basis of measuring the relative quantity of sewage, including the benefits derived from the disposal thereof, arising from the occupancy of a freestanding single-family residential dwelling (but such term shall not necessarily be related to actual use arising from any particular dwelling). A listing of the relative relationship between the various users of the system is hereby determined by the Municipality and is set forth in Appendix A to this Ordinance. The assignment of unit(s) to a particular User shall be determined from time to time by the Township, based upon available information, studies and investigation of the use to which the user's property is put. The assignment of unit(s) for any use not enumerated in Appendix A shall, in the

sole discretion of the Municipality, be based upon the most similar use enumerated in Appendix A.

**United States Environmental Protection Agency; USEPA** shall mean the United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment and which assures the protection of the environment by abating or controlling pollution on a systematic basis.

**User** shall mean a recipient of services provided by the system including premises which are connected to and discharge sewage into the system.

**User Fee** shall mean the monthly charge to owners of any house, building or structure served by the System. User fees consist of O, M & R charges plus any authorized Debt Retirement Charges.

**User Surcharge** shall mean a charge imposed on a user of the system for discharges of sewage that are in excess of normal strength sewage.

**Wastewater** shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments. The two most common types of wastewater are:

1. Sanitary Wastewater - shall mean the combination of liquid and water carried waste discharged from toilet and other sanitary plumbing facilities.
2. Industrial Wastewater - shall mean 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).

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **E. Connection**

1. Permit to Connect Generally. Permits for connections to sanitary sewers shall be issued by such person as shall be designated by the Township or its designated representative. Such a permit shall not be issued until all assessments due and the charge for sewer connections (current portions) have been paid as provided for herein and until the Township or its designated representative has determined there is capacity available for the wastewater to be discharged in system facilities and the wastewater treatment plant, including capacity for compatible wastes. The Township or its designated representative may require a compatibility study at the expense of the user to demonstrate to the satisfaction of the Township or its designated representative that the wastewater to be discharged is compatible with and will not adversely affect the wastewater system.
2. Building Sewer Permits. There shall be two classes of building sewer permits:
  - a. Residential permits;
  - b. Commercial permits, including industrial, governmental and institutional usage.

In either case, the owner or his agent shall make application on a form furnished by the Township or its designated representative. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director and/or the Township or its designated representative's engineers. The Inspection and Administration fee shall be determined from time to time by the Township or its designated representative and adopted by resolution of the Municipality.

3. Costs to be Borne by Owner. 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 or its designated representative from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. Separate Sewer for Every Building; Exceptions. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions may be allowed only by special permission granted by the Township or its designated representative. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the public sewer.
5. Work of Sewer System; Permit, Bond, Insurance Required. No one shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Township or its designated representative. Before a general license or particular permit may be issued for excavating, plumbing or drain laying connecting to the public sewer system, the person applying for such permit shall execute unto the Township or its designated representative and deposit with the Township or its designated representative, a bond with corporate surety in a sum to be determined by the Township or its designated representative conditioned that he will faithfully perform all work with due care and skill, and in accordance, with the laws, rules and regulations established by the Township or its designated representative pertaining to sewers and plumbing. This bond shall state that the permittee will indemnify and save harmless the Township or its designated representative, and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. Cash bond shall be held at discretion of the Township or its designated representative for a minimum of three (3) months. The licensee shall also provide public liability insurance for the protection of the Township or its designated representative, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injuries per accident, and \$50,000 for property damages, or as hereafter amended by resolution of the Township Board.



6. Installation and Pipe Specifications. The building sewer shall be constructed using methods and types of pipe meeting the written requirements of the Township or its designated representative at the time of connection.
7. Excavations; Pipe Laying. Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Township or its designated representative. Pipe laying and backfill shall be performed in accordance with the current Township or its designated representative's engineering specifications except that no backfill shall be placed until the work has been inspected by the Township or its designated representative's inspector and state and local inspectors as otherwise may be required. All excavations for 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 Township or its designated representative and other public bodies having jurisdiction over such matters. The Township or its designated representative will provide first floor service, wherever economically feasible, at the discretion of the Township or its designated representative. Should first floor service not be feasible, the Township or its designated representative may choose to provide a pump unit per The Township or its designated representative specifications.
8. Lifting Sewage by Artificial Means. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. Costs for installation and connection shall be borne by the owner.
9. Connection to Public Sewer. The connection of the building sewer into the public sewer shall be made at the sewer lead designated for the property. Installation and maintenance of the sewer lead shall be the duty and responsibility of the Township; the same being part of the public sewer system as described herein. Any connection not made at the designated sewer lead in the main sewer shall be made only as authorized by the Township or its designated representative.
10. Inspection. The applicant for the building sewer shall notify the Township or its designated representative when the building sewer is ready for inspection and connection to the public sewer.
11. Connection Allowed Only if Capacity Available. No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional BOD and Suspended Solids loadings. Determinations of such impact are made by the Township or its designated representative's engineers and subject to approval of the City of Kalamazoo and Michigan Department of Environmental Quality.
12. Connections. At the time of original construction of the public sewer, the Township or its designated representative shall install that portion of the sewer lead from the public sewer to the lot or easement boundary line whenever possible for any house, building or structure. The Township or its designated representative shall maintain at its own expense, the public sewer so described. Those persons making connections at the time of original construction of the public sewer shall install at

their own expense, that portion of the building sewer from said lot or easement line to said house, building, or property. The owner shall maintain said building sewer at his own expense.

13. Connection to Sewer; Disconnection of Private Facilities. At such time as connection shall be made to the public sewer, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material required by the Michigan Department of Environmental Quality, County Health Department, the Township or its designated representative.
14. Disconnection of Service/Cancellation of Permits. Applications for connection permits may be cancelled and/or sewer service disconnected by the Township or its designated representative for any violation of any rule, regulation or condition of service, including but not limited to any of the following reasons:
  - a. Misrepresentation in the permit application as to the property or units to be serviced by the Township or its designated representative.
  - b. Unsafe or improper construction methods as determined by the Township or its designated representative or other regulatory agency.
  - c. Failure or refusal to keep building sewers in a suitable state of repair.
  - d. Nonpayment of bills or charges.
  - e. Violation or attempted violation of any provision of this Ordinance or of any rule or regulation promulgated by the Township or its designated representative or the Director, or failure to appear at a hearing under this Ordinance when required. Whenever reasonably possible, the Township or its designated representative shall notify the Owner and Municipality in writing 30 days prior to any disconnection of service.
15. Interceptors. Grease, oil, sand or other interceptors shall be provided at the owner's expense when, in the opinion of the Township or its designated representative's engineers, they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be properly maintained and operated by the owner and shall be of a type and capacity approved by the Township or its designated representative's engineers, shall be subject to approval by state or local Plumbing Code inspectors, and shall be located as to be readily and easily accessible for cleaning and inspection. Proof of proper maintenance and operation by the Owner may be required by the Township or its designated representative.
16. Extensions of the Public Sewer (Indirect connection). Sewer extensions to the public sewer require the following:
  - a. Certified submittal of plans and specifications to the Township or its designated representative.
  - b. Written approval of the Township or its designated representative and/or its Engineer.
  - c. MDEQ permit to construct.

- d. Payment of The Township or its designated representative expenses as related to said sewer extensions.

**F. Rates; Connection Fees; User Fee**

1. Purpose. The rates fixed herein are estimated to be sufficient to provide for the payment of the expenses of administration and operation, and for such expenses for maintenance of said System as are necessary to preserve the same in good repair and working order; to provide for the payment of the contractual obligations of the units of government served by The Township or its designated representative to the County of Kalamazoo and/or the City of Kalamazoo; and to provide for such other expenditures and funds for said system as this ordinance may require. Such rates shall be fixed and revised from time to time by Township resolution as may be necessary to produce these amounts.
2. User Classes. All users of the System will be included in a user class and each user class will pay for its proportionate share of the use of the System in terms of volume and pollutant loading. User fees are levied to defray the cost of operation, maintenance, replacement (including depreciation), and if authorized, debt retirement of the System. The classes of users, for the purpose of determining the user charges, shall be as defined in this ordinance, Section 3.
3. User Fees. Use fees to each single family residential premise shall be set as a flat amount, the same to be set by Resolution of the Township Board and revised from time to time as recommended by the Township's designated representative. The use fee along with any debt retirement charges shall be paid on a not less than quarterly basis. Each user other than a single family residence shall pay the flat fee multiplied by a factor representing a rate of sewer use by such class of users to normal single family residential sewer use as reflected in Appendix A. Use fees may be billed in advance and may include debt retirement charges to be set by Resolution of the Township Board and revised from time to time as recommended by the Township's designated representative.
4. Accrual Date. User charges and debt service charges shall begin to accrue as of the day of the connection of the building sewer to the public sewer system.
5. Change in Use. After connection of a premises to the public sewer system, subsequent changes in the character of use or type of occupancy of the premises shall not abate the obligation of the user to pay user fees and debt service charges for the premises based upon the number of units originally allocated thereto, unless and until the Township or its designated representative determines that the number of units allocated to such premises shall be increased or decreased based upon such changes in use or occupancy.
6. Connection Fee Payments: How Computed. Each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewer use by such user to normal single-family residential use, as reflected in Exhibit A.
7. Connection Charges: Direct & Indirect Fees:
  - a. Generally. The owner of each lot, parcel or building site who desires to connect to the system shall pay a charge for the privilege of using the facilities and receiving the service of the system as set forth herein. The connection

charges will consist of a direct and indirect connection fee (where applicable) as set forth below. The Direct and Indirect Connection Fees shall be set by resolution of the Township Board and revised from time to time as may be recommended by the Township's designated representative based upon single, family-residential equivalent units as reflected in Exhibit A of this Ordinance. Provided, however, that a credit may be taken on said Direct and Indirect Connection Charges equal to the sum, if any, specially assessed against the property by the municipality for the purpose of defraying part of the cost of the system, providing the credit has not been previously used against other connection charges.

- b. Direct Connection. Each lot, parcel or building site shall pay a Direct Connection Fee which shall be as a minimum equal to one residential equivalent unit, which shall be used to defray the cost of installing the public sewer to the lot, parcel or building site.
  - c. Indirect Connection. For each lot, parcel or building site containing more than one dwelling or dwelling unit, not directly connecting to the public sewer, or for commercial and industrial structures requiring capacity exceeding one residential equivalent unit, or those lots, parcels or building sites indirectly connecting to the sewer system, there shall be charged an Indirect Connection Fee based upon the residential equivalent units as set forth in Appendix A. These charges shall be used to defray the proportionate share of the necessary oversizing of the treatment facilities, trunklines and pumping stations.
8. Payment of Connection Charges. Connection charges as set forth herein shall be due and payable to the Township or its designated representative in cash upon application for connection to the System, unless the Township or its designated representative authorizes the payment of such charges pursuant to an installment contract. Any installment contract authorized by the Township or its designated representative shall be in writing, shall provide for the first installment to be payable upon application for connection; shall provide for all subsequent installments plus interest to be payable annually thereafter on June 1<sup>st</sup>; shall provide for a rate of interest to be established on a fiscal year basis (April 1 to March 31) by the Township, but not greater than 8% per annum. Such rate shall be paid annually on the unpaid balance; and shall have a term of not more than 10 years, as determined by the Township.
  9. Industrial Users; Normal Strength Sewage. Each industrial user that discharges process wastewater which does not exceed the limits of normal strength sewage shall be charged and shall make payments to the Township or its designated representative in amounts based on the actual waste volume and strength from such user as stated elsewhere in this ordinance.
  10. Industrial Users to Pay Proportionate Share. Each industrial user shall pay the proportionate share of the operation, maintenance and replacement/depreciation costs of the system that are allowable to the treatment of said user's industrial wastes.
  11. Sewage Exceeding Normal Strength. Each user that proposes to discharge 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. Said surcharge shall be set by Resolution of the Municipality from time to time as necessary.

12. Special Rates. For miscellaneous services or where a premise receives sewer service for which a special rate need be established, such rates may be recommended by the Township or its designated representative to be fixed by the Municipality by resolution.
13. Miscellaneous Customer Fee. The Township Board may, from time to time, establish by resolution and impose on one or more users a miscellaneous customer fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the system and incurred, without limitation, as a result of the intentional or negligent acts of such user or users, including for example with or without limitation, excessive inspection services not covered by the Inspection and administration fee, and costs incurred by the Municipality to shut off and turn on sewer service.
14. Special Arrangements for Sewage Disposal. No statement contained within this section shall be construed as preventing any contract between the Township, and any industrial concern whereby an industrial waste of unusual strength and/or character may be accepted by the Township or its designated representative for treatment, subject to payment therefore by the industrial concern or stipulated to pursuant to judicial or quasi-judicial process.
15. Inspection and Administration Fee. The inspection and administration fee shall be determined from time to time by resolution of the Township Board. The inspection and administration fee shall be payable with respect to each connection to the system, including additional connections on the same lot or parcel of land as a result of the repair or revision of existing connections, new connection to replace an existing connection on the same premises, or the assignment of additional units to a premises as a result of an increased utilization of the premises.
16. Delivery of Bills. All bills and notices relating to the conduct of the business of the Township or its designated representative and of the system will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Township or its designated representative. The Township's designated representative as agent for the Municipality shall not otherwise be responsible for delivery of any bill or notice. Bills or statements for sewer rates and charges shall be sent quarterly in advance by the Township or its designated representative to each owner of property liable for payment thereof. Such bills or statements shall be payable thirty (30) days after mailing by the Township or its designated representative. Payments shall be made at the office of the Township or its designated representative.
17. Unpaid Sewer Rates and Charges; Penalty. If any charge for sewer rates and charges shall not be paid within 30 days of billing, a penalty of 5% of the amount of such charge shall be added thereto, and shall be payable and collected therewith.
18. Enforcement. The charges for services (use fees and other) which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, are made a lien on all property served thereby, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township or its

designated representative or officials in charge of the collection thereof shall certify annually on August 1 of each year to the tax assessing officer of the Municipality, the facts of such delinquency, whereupon such charge including penalties shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general Municipal taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible of such charges and service as provided by said Section 21, no further service shall be rendered such property until a cash deposit equal to six (6) months user fees shall have been made as security for payment of such charges and service. In addition to the foregoing, the Township or its designated representative shall reserve the right to shut off sewer service to any property for which charges are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Municipality, have been paid. Further, such charges and penalties may be recovered by the Township or its designated representative by court action, together with such attorney fees and costs as authorized by law.

19. Re-establishing Service; Deposit Required. In addition to the foregoing, where the sewer service supplied to a house, building or structure has been discontinued for nonpayment of delinquent bills, the Municipality reserves the right to require by Resolution that a sum be placed on deposit with the Township or its designated representative for the purpose of establishing or maintaining any customer's credit.
20. Appeals. Any person has the right to appeal the basis for any charges developed in accordance with Section 5 of this Ordinance. Appeals shall be directed to the Building Board of Appeals along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal shall be obtained by said person at his expense. Resolution of appeals shall be made within sixty (60) days by action of the Building Board of Appeals. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force throughout the system. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquent charges, shall be due and payable. Upon resolution of the appeal, the Township or its designated representative shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.
21. No Free Service. No free service shall be furnished by said system to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.
22. Interruption of Service. The Township or its designated representative 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 systems, all persons affected by such interruption will be notified in advance whenever it is reasonably possible to do so.

## **G. Revenues**

1. Depository Funds. The revenues of the system (excluding collections of special assessments for the system) shall be set aside, as collected, and deposited in a

separate depository account in a bank duly qualified to do business in Michigan, in an account to be designated Sewer System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving fund periodically in the manner and at the times hereafter specified. Collections of special assessments for the system shall not be deposited in the Receiving Fund or the Operation and Maintenance Fund but shall be deposited in the Contract Payment Fund.

- a. Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
  - b. Contract Payment Fund. There shall next be established and maintained a depository account, to be designated Contract payment Fund, which shall be used solely for the payment of the municipal obligations to the County of Kalamazoo or others pursuant to contracts for payment of bonds issued to finance the costs of system facilities or other Municipal facilities cost. There shall be deposited in said fund the collections of Special Assessments imposed by the Township to defray part of the financed system improvements. To the extent necessary to meet contract obligations, connection charges received by the Township or its designated representative for connections to the system improvements shall be deposited into the contract payment fund. Should the connection charge revenues from connection within the Township, together with the Special Assessment collections of the Township, prove insufficient to pay the Township's contractual obligations when due, such revenues may be supplemented by any other funds of the Municipality legally available for that purpose.
  - c. Replacement Fund. There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township or its designated representative shall deem necessary for this purpose.
  - d. Improvement Fund. There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing funds, such revenues as the Township or its designated representative shall deem necessary for this purpose.
2. Surplus Monies. Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township or its designated representative, be transferred to the Improvement Fund or used in connection with any other project of the Township or its designated representative reasonably related to purposes of the system.
  3. Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township or its designated representative within this single

bank account, in the manner above set forth. The Township or its designated representative, as operating agent for the constituent Township, shall be authorized to act for the Township to establish, maintain and fund the aforesaid accounts. The Township or its designated representative may fix names for the various accounts different from those set out above and may establish such accounts for the common benefit of all public corporations in the service area, so long as the essential purpose of the aforesaid system of accounts is preserved and so long as the Township or its designated representative maintains a system of accounting which permits it to determine which public corporations' charges have produced monies in its various accounts.

4. Transfer of Funds. In the event that monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from special assessments, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.
5. Monies May Be Invested. Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1993, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.
6. Operating Year. The system shall operate on the basis of an operating year commencing on April 1 and ending on the last day of March next year following.

#### **H. Hardship Application**

1. Basis for Application. The owner or owners of a single-family residence in which residence said owner or owners reside and upon which a connection charge has been imposed, may submit a hardship application to the Township Board seeking a deferment in the partial or total payment of the connection fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:
  - a. The owners of the premises shall, under oath, complete a hardship application provided by the Township or its designated representative and file said application, together with all other information and documentation reasonably required by the Township or its designated representative, not less than sixty (60) days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
  - b. Hardship applications shall be reviewed by the Township Board and, after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship and shall forthwith notify the applicants of said determination.



- c. An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- d. In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment. The remaining charge, if any, shall be paid to the Township or its designated representative together with an amount equal to the deferment by the Municipality granting the deferment. The Municipality shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Municipal Clerk so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
  - (1) A change in the financial status of any applicant which removes the basis for financial hardship;
  - (2) A conveyance of any interest in the premises by any of the applicants, including execution of a new security interest in the premises or extension thereof;
  - (3) a death of any of the applicants.
- e. Upon a determination of the Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one (1) month after such determination, execute and deliver to the Municipality as the secured party a recordable security instrument covering the premises, and such other documents deemed necessary to secure the payment guaranteeing payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this Ordinance.

#### **I. Other Conditions of Disposal**

1. Septic Tank Unlawful: Exceptions. Except for facilities approved by the County Health Department, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of wastewater within the Municipality after the effective date of this Ordinance.
2. Depositing Sewage Upon Property: Unlawful. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the Municipality, or in any area under the jurisdiction of the Municipality, any human or animal excrement, garbage, or objectionable waste.
3. Discharging Untreated Sewage: Unlawful. It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of the Municipality, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with all applicable provisions of local, state and federal regulatory agencies.

4. Discharge of Unpolluted Drainage to System: Unlawful. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer of the system.
5. Private System: Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality or the Township or its designated representative.
6. Additional Requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the State of Michigan or the United States.
7. Old Building Sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or its designated representative, to meet all requirements of this Ordinance and other applicable building codes.
8. Prohibited Discharging. No person shall convey, deposit or cause or allow to be discharged, conveyed, or deposited into the wastewater system any pollutant other than a compatible pollutant which the Township or its designated representative expressly agrees to accept from a user or any wastewater containing any of the following:
  - a. BOD in excess of 250 mg/l.
  - b. COD in excess of 450 mg/l.
  - c. Chlorine demand in excess of 1 mg/l.
  - d. Any garbage which is not properly shredded (no particle size greater than one-eighth inch).
  - e. Grease, oils, wax or fats, whether emulsified or not, in excess of 50 mg/l or any other substances that may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit at the point of discharge into the wastewater system, or concentrations or amounts of oil or grease from industrial facilities violating pretreatment standards.
  - f. Substances which tend to settle out in the system, causing stoppage or obstruction to flow.
  - g. Liquids which are corrosive.
  - h. Any pollutant which imparts a color to the wastewater in the wastewater system, which color cannot be removed by the City of Kalamazoo's treatment process or which is prohibited by the NPDES permit issued by MDEQ.
  - i. Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion. Such prohibited materials include, but are not limited to, fuel oil, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, and carbides.

- j. Any substance harmful to the system.
  - k. Any live animals or fish.
  - l. Radioactive wastes or isotopes unless their disposal via wastewater is authorized by federal, state and local regulations, and then only when discharge into the wastewater system does not cause damage or a hazard to the system, the persons operating the system, or the general public, or concentration which may exceed limits established by applicable state and federal regulations.
  - m. Wastes of a temperature less than 37.4 degrees Fahrenheit or greater than 149 degrees Fahrenheit.
  - n. Solids, liquids or gases from processes employed in the user's business, trade or profession which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for maintenance or repair.
  - o. Any toxic substances in amounts which cannot be handled by the system or which exceed standards promulgated by the USEPA pursuant to Section 307(b) of the Federal Water Pollution Control Act, or toxic substances included in any regulations of the MDNR which identify and prohibit discharge of toxic substances into the water of the state.
  - p. Any pollutant which deleteriously affects the wastewater system or process, or any pollutant which is regulated by the NPDES permit issued to the City of Kalamazoo and which will pass untreated or unaffected by the treatment system.
  - q. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the wastewater system such as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, fleshing or entrails.
9. Limitations on Wastewater Discharging. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsection H, and which in the judgment of the Director may deleteriously affect the wastewater system or carry through the system untreated any pollutant regulated by the NPDES permit issued to the City of Kalamazoo; or constitute a hazard to human or animal life or to any water course receiving the treated effluent of the wastewater system; or violate any pretreatment standards hereinafter established; or cause the wastewater system to violate its NPDES permit or other applicable receiving water standards, the Director may:
- a. Reject the wastes and/or refuse to accept the waters or wastes into the system,
  - b. Require pretreatment to an acceptable condition for discharge into the public sewers,

- c. Require control over the quantities and rates of discharge and/or,
- d. Require payment to cover added cost of handling and treating the wastes not covered by existing sewer use charges.

If the Township or its designated representative 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 Township or its designated representative and subject to the requirements of all applicable codes, ordinances and laws. The property owner shall not commence construction of such facility until he has obtained such approvals in writing from the Director and appropriate state agencies.

- 10. Preliminary Treatment Facilities. Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.
- 11. Control Manholes. When required by the Township or its designated representative, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole upstream from the connection to the public sewer system. The control manhole shall be accessible to the Township or its designated representative, its agents, and other regulatory agencies. The purpose of this control manhole shall be to enable observation, sampling and measurements of the industrial wastes. The control manhole shall be at the property line or in a location approved by the Township or its designated representative, shall be easily accessible, and shall be constructed in accordance with plans and specifications approved by the Township or its designated representative and the Township or its designated representative's engineer. Installation of the control manhole, sampling equipment and other appurtenances required by the Township or its designated representative shall be at the expense of the property owner. The owner shall operate, maintain, repair and replace the control manhole and appurtenances in a safe, accessible and operable manner at all times at the owner's expense.
- 12. Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be installed, operated, maintained, repaired and replaced by the individual user and at no cost to the other users of the system when determined by the Township or its designated representative to be necessary for the proper handling of sewage containing ingredients described in Subsection H of this Section. All interceptors shall be:
  - a. of the type and capacity prescribed by the Township or its designated representative,
  - b. located so as to be readily and easily accessible for cleaning and inspection,
  - c. constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and
  - d. of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.
- 13. Sampling: Water Analyses. All measurements, tests, analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of **Standard Methods of the**

Examination of Water and Wastewater, and shall be determined upon samples taken from the control manhole or other necessary locations. Samples shall be carried out by customarily-accepted methods to reflect the effect of constituents upon the system 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 premises is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Township or its designated representative.

14. Commercial Waste Hauling: Regulation. Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the public sewer system except as authorized in writing by the Township or its designated representative.
15. Inspection. Agents of the Township or its designated representative, Municipality, Michigan Department of Environmental Quality, the U.S. Environmental Protection Agency and other related local, state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage system by any user, such metering to be in the discretion of and at the cost of the Township or its designated representative.
16. City of Kalamazoo Standards. Notwithstanding anything in this ordinance, all users shall comply with standards of the City of Kalamazoo concerning wastewater disposal and use of the System, and the Township or its designated representative is authorized to implement said standards by published rules and regulations from time to time.

**J. Industrial Waste Treatment**

1. Discharging Industrial Wastes: Requirement. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Township or its designated representative, and the Township or its designated representative may also require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem as determined by the Township or its designated representative's engineers, to file the documents listed below:
  - a. A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of waste discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
  - b. A plan map of the building, works or complex, with each outfall of the surface waters, sanitary sewer, storm sewer, natural watercourse, and/or groundwater noted, described and the waste stream identified.
  - c. Sample, test and file reports with the Township or its designated representative and the appropriate local and state agencies on appropriate characteristics of waste on a schedule, at locations, and according to methods outlined in this ordinance.

- d. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
  - e. A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products, as those factors may affect waste control.
  - f. Record and file reports on the final disposal of specific liquid, solids, sludge, oil and radioactive material, solvent or other waste.
  - g. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Township or its designated representative subject to approval.
2. Industrial Representative: Duties. One person from each industrial user shall be designated by the user (subject to approval by the Township or its designated representative) to be responsible for industrial wastes admitted to the System. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the System. He must become aware of all potential and routine toxic wastes generated by his industry. He must be informed of all process alterations which could, in any manner increase or decrease normal daily flow or waste strength discharged to the System.
  3. Catalog of Chemicals: Discharges. The industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Director and shall be treated as confidential information.
  4. Process Alterations. The industrial representative should attempt to determine whether or not large process alterations will occur in the future, one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming in order to inform the Township or its designated representative of same.
  5. Plant Layout Sketch. 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.
  6. Pretreatment. There shall be separation of spent concentrates 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 as detailed herein, is the responsibility of the industrial representative. All sludge 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 pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the System.

7. Secondary Containment. 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 percent of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs 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.
8. Sampling. An adequate sampling vault or manhole must be provided in a fully accessible place for The Township or its designated representative's personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township or its designated representative determines necessary to protect the treatment plant and receiving streams. Should the Township or its designated representative desire continual flow recording over a long duration, or 24 hour composite sampling, then a more complex manhole would be mandatory, complete with 110 volt AC.
9. Costs: Surveillance Fee, Surcharge. A yearly surveillance fee may be imposed by the Township or its designated representative or Municipality from time to time to recover a portion of equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor may 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.
10. Unpolluted Drainage Where Discharge Allowed. Storm sewer and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to 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, to a storm sewer or natural outlet.
11. Industrial Cooling Water Containing Pollutants. Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.
12. Pretreatment Facilities. All major contributing industrial users shall pretreat any pollutant in its wastewater which may interfere with, pass through untreated, reduce the utility of municipal sludge or otherwise be incompatible with the treatment works. Pretreatment of such pollutants shall be in accordance with Section 307 of Public Law 92-500, 40 CFR 403, and as determined by the Director. All owners of and source to which pretreatment standards apply shall be in compliance within the shortest reasonable time, but not later than the date of compliance required by 40 CFR 403 or the date established by the director, whichever first occurs. All such owners shall submit to the director semi-annual notices (on April 1 and October 1 each year) regarding specific actions taken to comply with such standards.

## **K. Protection From Damage**

1. Damaging System; Prohibited. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the system.
2. Interruption of Service. The Township or its designated representative or Municipality shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any option of a payment refunded for any interruption.
3. Overflow or Backup.
  - a. Liability. Pursuant to Public Act 170 of 1964, and as thereafter amended, neither the Township or its designated representative shall be subject to non-economic damages caused by a sewage disposal system event unless the individual making the claim has suffered death, serious impairment of bodily function or permanent or serious disfigurement. Neither the Township or its designated representative shall be responsible for economic damages unless claimant can show that a sewage disposal system event caused property damage or physical injury and the claimant can show:
    - (1) the Township or its designated representative are the appropriate governmental agency(s);
    - (2) the sewage disposal system had a defect;
    - (3) the governmental agency knew or in the exercise of reasonable diligence should have known about the defect;
    - (4) the governmental agency having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect;
    - (5) the defect was a substantial proximate cause of the property damage and/or physical injury;
    - (6) the Claimant must also show ownership, value of the property, and comply with Section 19 of Act 170 of 1964 as amended by Public Act 9 of 2001 and Public Act 222 of 2002.
  - b. Notice. The Township or its designated representative shall be notified in writing not more than 45 days after the discovery of any damage or physical injury which the property owner believes is attributable to overflow or backup of the sewer system. The notice must contain the following:
    - (1) claimant's name;
    - (2) address;
    - (3) telephone number;



- (4) address of the affected property;
  - (5) the date of discovery of any property damage or physical injuries with a brief description of the claim.
  - (6) the notice must be sent to the Township and its designated representative.
- c. Inspection. The Township or its designated representative, upon receipt of the notice of claim, may inspect the damaged property or investigate the physical injury and the claimant or owner or occupant of the affected property shall not unreasonably refuse to allow such inspection.
  - d. Settlement. If the Township or its designated representative against which a claim is made cannot reach an Agreement for compensation for the property damage or physical injury within 45 days after the receipt of the notice, the claimant may institute a civil action to recover a claim of damages.
  - e. Legal Authority. The protection and damage provisions provided for in this Section have been instituted pursuant to Public Act 19 of 2001 and Public Act 222 of 2002, which amended Public Act 170 of 1964.

#### **L. Inspections**

1. Inspection. Any house, building or structure receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Township or its designated representative.
2. Authority of Inspectors: Limitations. The Director and other duly authorized employees of the Township or its designated representative, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

#### **M. Connection to System**

It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the Township and that all premises on which structures in which sanitary sewage originates or are situated shall connect to the system at the earliest reasonable date as a matter for the protection of the public health, safety and welfare of the Township. Those premises within 200 feet of the available sewer system shall connect as follows:

1. Structures or premises emitting sewage prior to sewer services becoming available shall connect upon septic system failure or may connect at any time after the date of notice of such availability by the appropriate Municipality official or its agent, and having completed a sewer connection contract with the Municipality or its agent.

2. Structures or premises within 200 feet which began emitting sewage after a public sewer line was constructed shall connect prior to emitting sewage.
3. All new construction lying within 200 feet of the system must connect prior to occupancy.
4. Connection Deadline. As a matter of public health, all connections to the public sewer system required hereunder shall be completed no later than 18 months after the last to occur of the date of official notice by the Municipality to make said connections or the modification of a structure so as to become a structure in which sanitary sewage originates. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the public sewer system within 18 months shall be liable for a civil penalty in an amount equal to the user fees and debt service fees that would have accrued and been payable had the connection been made as required, in addition to the penalties provided in this Ordinance.

Said notification and enforcement of this Section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972, as amended.

**N. Violations and Penalties**

1. Violations/Damage. Any person violating any provision of this Ordinance and failing to operate in compliance therewith or maliciously, wilfully or negligently breaking, damaging, destroying, uncovering, defacing, tampering with, climbing upon or entering into any structure, appurtenance or equipment of the public sewer system shall be responsible for Municipal civil infraction.
2. Notice to Cease and Desist. Except for violations resulting in the direct and immediate damage to structures, equipment or appurtenances of the public sewer system, shall be served by the Township or its designated representative through its Director with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such Notice, permanently cease all violations as determined by the Township or its designated representative. However, proceedings to enforce this Ordinance may be commenced without such written notice.
3. Civil Infractions. A person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for municipal civil infraction and shall pay a fine according to the following schedule:

First Offense.....	\$ 75.00
Second Offense within first 12 months.....	\$ 150.00
Third Offense within one-year period.....	\$ 325.00
Fourth Offense within one-year period.....	\$ 500.00

If a determination of responsibility is made by the court, the court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided for by law.

Every day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fines shall not exempt the offender from compliance with the provisions of this Ordinance.

4. Nuisance Abatement. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Township or its designated representative, in the name of the Township and in the furtherance of public health, may enforce the requirements of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. Persons who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township or its designated representative and/or the Municipality for the costs and expenses incurred in making such repairs and taking such action.
5. Liability for Penalties Levied Against the Township or its designated representative. Any business, industry or person violating any of the provisions of this Ordinance which results in fines or penalties being levied against the Township or its designated representative shall become liable for said fine or penalty plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to any fines levied under Subsection C above.
6. Cumulative Remedies. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

#### **O. Administrative Appeals; Board of Appeals**

1. Board of Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Board of Appeals shall consider appeals from the decision of the Director concerning the Township or its designated representative collection system and determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Ordinance or jeopardize the public health or safety.
2. Appeals. Appeals from the written decisions of the Director with respect to matters concerning the Municipal collection system may be made to the Building Board of Appeals, within thirty (30) days from the date of such decision. Such appeal may be taken by any person aggrieved. The appellant shall file a written Notice of Appeal with the Board of Appeals, specifying the ground therefore. The Board of Appeals may, at its discretion, call upon the Director to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reserving, modifying or affirming, in whole or in part, the appealed decision, determination or directive of the Director. In order to find for the appellant, a majority of the Board of Appeals must concur. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board of Appeals may reverse or affirm, in whole or in part, or may make such other requirements, decisions or determination as, in the Board's opinion, ought to be made in the case under consideration. Subject to Subsection E, the decision of the Board of Appeals shall be final.

3. Effect of Administrative Action. If a hearing is not demanded within the period specified herein, such administrative action shall be deemed final. In the event a hearing is demanded, any action subject to appeal shall be suspended until a final determination has been made, except in the case of an immediate cease and desist order issued pursuant to this Ordinance.
4. Appeal from Building Board of Appeals. Appeals from the determination may be made to the Circuit Court for the County of Kalamazoo within twenty-one (21) days as provided by law.

**P. Validity, Severability, Effective Date, Publication**

1. Previous Ordinances Superceded. This Ordinance supercedes all other ordinances and amendments pertaining hereto. Ordinances and amendments in conflict herewith or portions thereof are hereby repealed.
2. Severability. If any section, clause, sentence or provision of this Ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
3. Publication. This Ordinance, or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Municipality within the time required by state statute.
4. Effective Date. This Ordinance shall become effective sixty (60) days after its publication and repeals Ordinance No. 87 (adopted July 8, 1985).

**Appendix A  
Residential Equivalent Factors\***

	<u>Occupation Use</u>	<u>Units</u>	<u>Unit Factor</u>
1.	Single Family Residence	1.0	per residence
2.	Auto Dealers - New and/or Used	1.0	per premise plus 0.25 per 1,000 sq. ft. of building incl. service area
3.	Auto Repair/Collision	1.0	same as above
4.	Auto Wash (coin-operated do-it-yourself, 10 gallons or less per car)	1.0	per stall
5.	Auto Wash (mechanical - over 10 gallons per car-not recycled)	10.0	per stall or production line including approach and drying area
6.	Auto Wash (mechanical - over 10 gallons per car - recycled)	5.0	per stall or production line including approach and drying area
7.	Barber Shop	1.0	per shop plus 0.1 per chair after 2
8.	Bar	4.0	per 1,000 sq. ft.
9.	Beauty Shops	1.0	per shop plus 0.1 per booth
10.	Bowling Alleys (no bar)	1.0	per premise plus 0.2 per alley
11.	Campground Facilities - Recreational	0.35	per pad or site plus picnic facilities

vehicles, tents, trailers under 12 feet

12.	Campground Facilities - Trailer parks or trailers in excess of 12 feet	0.50	per pad or site plus picnic facilities
13.	Churches	0.25	per 1,000 sq. ft. - minimum 1 unit
14.	Cleaners (pick-up only)	1.0	per shop
15.	Cleaners (cleaning and pressing facilities)	1.0	per premise plus 0.5 per 500 sq. ft.
16.	Clinics (medical or dental)	1.0	per premise plus 0.5 per exam room
17.	Convalescent or Boarding Homes	1.0	per premise plus 0.25 per bedroom
18.	Convents	1.0	per premise plus 0.25 per bedroom
19.	Country Clubs and Athletic Clubs	1.5	per 1,000 sq. ft. of clubhouse plus restaurant, bar and pro shop as retail store

20.	Convenience Store	1.5	per premise plus 0.8 per 1000 sq. ft.
21.	Day Care (Commercial)	1.0	per facility and 0.5 for every ten children in excess of 20
22.	Drug Stores	1.0	per premise plus snack bar
23.	Factories (office and production) Wet Process	0.75	per 1,000 sq. ft. based on metered sewage flow
24.	Funeral Home	1.5	per 1,000 sq. ft. plus residence to be computed separately
25.	Grocery Stores and Supermarket	1.0	per premise plus 0.8 per 1,000 sq. ft.
26.	Hospitals	1.1	per bed
27.	Hotels and Motels	0.40	per bedroom plus restaurant and bar
28.	Laundry (self-serve)	1.0	per premise plus 0.5 per washer
29.	Marinas - per boat docking space	.06 .1	per space under 25 ft. in length per space over 25 ft. in length
30.	Two-family Residential	1.0	per unit
31.	Mobile Homes (free-standing)	1.0	per unit
32.	Mobile Homes (park or subdivision)	0.75	per pad or site plus laundry, community buildings and office to be computed separately per schedule
33.	Multiple Family Residence - Duplex, Row Houses or Townhouses	1.0	
34.	Apartment Residence - unit including laundry facilities in apartment	1.0 .8	plus for each dwelling unit in excess of 1
35.	Apartment Residence - unit not having laundry facilities in apartment	1.0 .6	plus for each dwelling unit in excess of 1
36.	Fraternity, Sorority Houses; Dormitories	1.0 .6	plus for each 2 residents in excess of 4
37.	Parks, Recreation Facilities, Camp- grounds, Picnic Facilities-no bathing or overnight accommodations	0.2	per parking space

38.	Picnic Facilities - with bathing facilities or swimming pool	0.35	per parking space
39.	Post Office	1.0	per 1,000 sq. ft.
40.	Professional Office	0.25	per 500 sq. ft. - minimum 1
41.	Public Institutions	0.75	per 1,000 sq. ft.
42.	Restaurants (meals only)	2.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
43.	Restaurants (meals and drinks)	3.5	per 1,000 sq. ft. excluding restrooms, public areas not in regular use and unfinished areas
44.	Restaurants (public areas, auxiliary dining rooms, dance floors or ballrooms which are not in regular use)	0.5	per 1,000 sq. ft.
45.	Retail Store (other than listed)	1.0	per premise plus 0.1 per 1,000 sq. ft.
46.	Schools	0.6	per classroom
47.	Service Stations	1.5	per 1,000 sq. ft. of building area
48.	Snack Bars, Drive-Ins, etc.	2.5	per 1,000 sq. ft.
49.	Theaters (drive-in)	0.04	per car space
50.	Theaters	0.04	per seat
51.	Warehouse and storage	0.2	per 1,000 sq. ft.
52.	Veterinary facility	1.5	per facility
53.	Veterinary facility with kennel	1.5 0.5	per facility plus per 5 kennels

\* The Township or its designated representative, in its sole discretion, may permit or require any user of the system, other than residential uses, to install a water meter on the influent plumbing to measure water use and to determine Residence Equivalent Factors at 200 gallons per unit as comparative to sewage discharge. In this event, the meter reading shall be averaged for at least a three-month period, as determined by the Township or its designated representative and then divided by the number of days metered, which resulting amount shall be divided by 200 gallons per day, per unit. The metering of the water or sewage flow for this purpose shall be accomplished by a meter approved by the Township or its designated representative and all installation, repairs and maintenance expense shall be the responsibility of the owner, including removal at a later date.



