

TOWNSHIP OF SUPERIOR

COUNTY OF CHIPPEWA

MICHIGAN

At a regular meeting of the Township Board of the Township of Superior, Chippewa County, Michigan, held in the Township Hall in said Township, on December 9, 1980, at 7:30 o'clock p.m. Eastern Standard Time.

PRESENT: W. Hyvarinen, M. Link, M. Charles, C. Compo, J. Crook.

ABSENT: None

The Township Clerk presented to the Township Board a proposed ordinance prepared by Clary, Nantz, Wood, Hoffius, Rankin & Cooper, Attorneys of Grand Rapids, Michigan, pertaining to sewage disposal, sewers and sewerage in the Township.

After discussion, W. Hyvarinen introduced Ordinance No. 16 Entitled:

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: PROVIDING FOR THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM: AND PROVIDING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS.

The Ordinance was then read.

It was moved by J. Crook and seconded by C. Compo that Ordinance No. 16 be adopted.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

Yeas: W. Hyvarinen, M. Link, M. Charles, C. Compo, J. Crook

Nays: None

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. 16 as adopted:

Ordinance No. 16

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: PROVIDING FOR THE FIXING AND COLLECTION OF RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM AND THE ALLOCATION AND USE OF REVENUES DERIVED THEREFROM: AND PROVIDING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS.

The TOWNSHIP OF SUPERIOR ordains:

ARTICLE I

DEFINITIONS

Section 1.1	Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:
B.O.D. Biochemical Oxygen Demand	The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20° C., expressed in parts per million by weight.
Building Drain	That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of the walls of the building and conveys to the building sewer, beginning five feet outside the inner face of the building wall.
Building Sewer	The extension from the building drain to the public sewer or other place of disposal.
County	The County of Chippewa, Michigan
C.O.D. Chemical Oxygen Demand	The oxygen consuming capacity of inorganic and organic matter present in waste water.
Combined Sewer	A sewer receiving both surface runoff and sewage.
Compatible Pollutant	The pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants are biochemical oxygen demand, suspended solids, pH and fecal coliform, phosphorus and its compounds, and nitrogen and its compounds.
EPA Administrator	The head of the Environmental Protection Agency.
Garbage	Solid wastes from the preparation, cooking, dispensing, handling, storage or sale of food including produce and food products.
Industrial Cost Recovery	The Township's recovery from certain Industrial Users of the Sewage Works and Wastewater Treatment Plant of the federal grant amount allocable to the treatment of waste from such users.
Industrial Cost Recovery Period	That period during which the federal grant amount allocable to the treatment of wastes from certain Industrial Users of the Sewage Works and the Wastewater Treatment Plan is recovered from said Users.
Industrial Wastes	The liquid wastes from industrial processes as distinct from Sanitary Sewage
Industrial User	A recipient of wastewater treatment services, as defined in Section 6.1 (a) hereof.
Major Contributing Industry	An Industrial User of the publicly owned treatment a) having a flow of 50,000 gallons or more per work day, b) having a flow greater than 5% of the total flow carried by the municipal system receiving the waste, c) having in its discharge a toxic pollutant in amounts exceeding the desired limits, and d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MG/L	Milligrams per liter
NPDES Permit	National Pollution Discharge Elimination System Permit - According to the Federal Water Pollution Control Act, as amended by Public Law 92-500, it prohibits any person from discharging pollutants into a waterway from a point source unless its discharge is authorized by a permit issued either by the U. Environmental Protection Agency or by an approved state agency.
Natural Outlet	Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
Non-Industrial User	A recipient of wastewater treatment services as defined in Section 6.1(b) hereof.
Normal Strength	Wastes which have a BOD of 200 milligrams per liter, suspended solids of 250 milligrams per liter, phosphorus of 10 milligrams per liter having a PH between 6.5 and 9.5 and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process
Operation and Maintenance	All costs, direct and indirect, inclusive of all expenditures attributable to administration, replacement and treatment and collection of Sewage but not including debt service necessary to insure adequate treatment and collection of Sewage on a continuing basis in conformance with the NPDES Permit, U.S. EPA grant conditions and other applicable regulations.
PPM	Parts per million.
pH	The logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.
Permit and Service Stub Inspection and Approval Fee	A charge levied on user of a treatment work for the cost of inspecting the connection of the service stub to the sewer.
Person	Any individual, firm, company, association, society, corporation or group.
Properly Shredded Garbage	The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
Public Sewer	A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
Replacement	Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.
Sanitary Sewer	A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
Sanitary Sewage	Liquid wastes consisting primarily of segregated domestic wastes or waste from sanitary conveniences.
Service Stub Fee	A charge levied on users of the Sewage Works for connection to the Sewer.
Sewage or Wastes	A combination of the water-carried wastes from residences, business building institutions and industrial establishments, including Industrial Wastes and Sanitary Sewage together with such ground surface, and storm waters as may be present.
Sewage Works	All facilities for collecting, pumping, treating and disposing of sewage.
"Shall"	Mandatory; "may" is permissive.
Special Assessment District	Sewer Special Assessment District No. 1 as determined by the Township Board on April 29, 1980.

Special Assessment Roll	Sewer Special Assessment Roll no. 1 as confirmed by the Township Board on April 29, 1980.
Storm Sewer or Storm Drain	A sewer which carries storm and surface wastewaters and drainage, but excludes sewage and polluted industrial wastes.
S.S. Suspended Solids	Solids that either float on the surface of, or are in suspension water, Sewage or other liquids, and which are removable by the wastewater treatment process
System	The Sewage Works and Wastewater Treatment Plant and all appurtenances thereto
Township	The Township of Superior, Michigan, and/or its duly authorized agent or representative.
U.S. EPA	The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.
"Unit" or "Units"	A standard of measuring the relative quantity of Sewage and the benefits derived from the disposal thereof ordinarily arising from the occupancy of a residence building by a single family of ordinary size (but such term shall not necessarily be related to actual use arising from any such building) and shall be defined or determined from time to time by the Township through its Township Board. Said units are set forth in Exhibit A to this Ordinance according to the type of use to which the properties are put. Any use not enumerated in Exhibit A shall, in the discretion of the Township Supervisor, upon authority of the Township Board, possess those units which attach to the property based upon the most similar use enumerated in Exhibit A.
Unit Surcharge	A charge imposed on a recipient of wastewater treatment services who discharges Sewage in excess of Normal Strength.
User Charge	A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement).
User Class	That the recipient of wastewater treatment services will be assigned to one of the two classes as discussed in Article VI.
Wastewater Treatment Plant	Any arrangement of devices and structures used for treating sewage.
Watercourse	A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Section 2.1 It shall be unlawful to discharge or cause to be discharged into any storm sewers, natural water course, or artificial water course, any Sewage or other polluted waters other than storm water or uncontaminated Industrial Wastes as heretofore defined; or to increase an approved use except upon special agreement or arrangement with the Township and in accordance with the rules and procedures of appropriate agencies of the State of Michigan.

Section 2.2 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage.

Section 2.3 The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Township in the Special Assessment District and abutting on any right-of-way, easement, highway, street, or public way in which there is now located or may in the future be located a public sanitary or combined Sewer of the Township, is hereby required at his expense to install suitable toilet facilities and connect such facilities directly with the proper public street Sewer in accordance with

the provisions of this ordinance. The Township may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

Section 2.4 The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Township, but not within the Special Assessment District, and abutting on any right-of-way, easement, highway, street or public way in which there is now located or may in the future be located a public sanitary or combined Sewer of the Township, which sewer is not more than 200 feet at the nearest point from a structure in which Sanitary Sewage originates; is hereby required, after written notice from the Township, at his expense to install suitable toilet facilities and connect such facility directly with the proper public street Sewer in accordance with the provisions of this ordinance. The Township may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.

Section 2.5 Plats for premises subdivided into four or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, which premises are within the area in the Township served by the system, shall not be approved or issued on behalf of the Township and none of said premises shall be improved hereafter by the erection thereon of a building or structure for human use or occupancy unless lateral sewers, the design of which is approved by an Engineer designated by the Township to serve all of said premises, as subdivided or to be improved are provided and connected to the System as part of the system. Such extension to be installed at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the Township, as otherwise provided by law.)

Section 2.6 Except as provided in Section 3.3 below, all connections to the Sewer required hereunder, as a matter of public health, shall be completed no later than twelve (12) consecutive months after date of official notice to make such connection.

ARTICLE III

Private Sewage Disposal

Section 3.1 Where a public sanitary or combined sewer is not available under the provisions of Section 2.4, the Building Sewer shall be connected to a private sewage disposal system constructed in compliance with State and local laws.

Section 3.2 Where private sewage disposal systems are constructed, they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, sub-surface ground water, or tile drain unless otherwise approved by the Township. All installations shall comply with existing State laws and regulations.

Section 3.3 At such time as a public Sewer becomes available to a property served by a private sewage disposal system, as provided in Article II a direct connection shall be made to the public Sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. All filling and demolition subject to approval of the Township.

Upon application of the owner of such property, the Township may grant a delay of not more than one year, before making connection to public Sewer. Such delay to be granted only if private facilities are satisfactory and create no nuisance or health hazard.

Section 3.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

Section 3.5 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Township or other regulatory agencies with respect to private sewage disposal.

ARTICLE IV

Building Sewers and Connections

Section 4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public Sewer or appurtenance thereof without first obtaining written permit from the Township.

Section 4.2 All connections with any Sewer of the Township shall be made only by written authorization and permits issued by the Township and on such forms and on payment of such fees as shall be established from time to time by the Township.

Section 4.3 All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner of said property. The owner shall indemnify the Township from all loss or damage that may directly be occasioned by the installation of the Building Sewer.

Section 4.4 All applicants for sewer connection permits shall, when required, submit plan and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the Plumbing Code of the State of Michigan, and all orders, rules and regulations of the Department of Health. The approval of connection permit shall also be contingent upon the availability of capacity in all downstream sewer, lift stations, force mains, and the Township's Wastewater Treatment Plant, including BOD and suspended solids capacity. When such plans and specifications have been approved by the Township or by such officials as they may designate, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.

Final approval will be subject to compliance with the Plumbing Code of the State of Michigan, and all orders, rules and regulations of the Township, local and State regulatory agencies.

Section 4.5 The applicant for a Building Sewer permit shall notify the Township when the Building Sewer is ready for inspection. The Township or its designated representative shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as so approved in the construction permit, a sewer connection approval shall be issued, subject to the applicable provisions of other sections of this Ordinance.

Upon final approval of any sewer connection all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent on completion of installation, shall comply with State of Michigan Plumbing and Township Building Codes.

Section 4.6 The cost of all repairs, maintenance and replacements of existing Building Sewers and their connection to public Sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the Township through the designated representative.

Section 4.7 All connections to existing or new Sewers will be made by employees of the Township or licensed contractors. The connection of the Building Sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location.

Section 4.8 The applicant for the Building Sewer permit shall notify the Township when the Building Sewer is ready for inspection and connection to the public Sewer.

Section 4.9 All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township.

ARTICLE V

Use of the Public Sewers

Section 5.1 No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any Sanitary Sewer.

Section 5.2 Storm water 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 Township, and in compliance with rules and procedures of various agencies of the State of Michigan. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Township, to a Storm Sewer or natural outlet. The Township has the right to exclude industrial or commercial waste in whole or in part, for any reason.

Section 5.3 Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public Sewer:

- a) any liquid or vapor having a temperature higher than 150 F;
- b) any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas;
- c) any garbage that has not been properly shredded;
- d) any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in Sewers or other interference with the proper operation of the Sewerage Works.
- e) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the Sewage Works;
- f) any waters, or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving water or in the Wastewater Treatment Plant;
- g) any waters or wastes containing Suspended Solids of such character and quantity that unusual attention or expense is required to handle such materials at the Wastewater Treatment Plant;
- h) any noxious or malodorous gas or substance capable of creating a public nuisance;
- i) any water and/or waste not complying to all NPDES permit requirements, pretreatment standards, and all other unspecified State and Federal regulations;
- j) any waters or wastewaters having chlorine demand in excess of 15 mg/l;
- k) any waters or wastes having pH less than 5.5 and greater than 9.5;
- l) any water or waste which may contain more than one hundred parts per million (100 PPM), by weight, of fat, oil, or grease or exceed a daily average of twenty-five parts per million (25 PPM);
- m) any grease, oil or other substance that will become solid or viscous at temperatures between 32 degrees F and 150 degrees F, including mineral oils from the viscosity range of kerosene onup;
- n) any wastes that contain insoluble solids in excess of ten thousand parts per million (10,000 PPM) or exceeds a daily average of five hundred parts per million (500PPM) or that contains a combination of soluble and insoluble material in excess of twenty thousand parts per million (20,000 PPM) and must not contain any insoluble substance having a specific gravity greater than 2.65.

Section 5.4 Grease, oil, sand interceptors, and conventional grease traps shall be provided when, in the opinion of the Township they are necessary for the Township for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful ingredients; except that such interceptors shall not be required for single family dwellings. All interceptors shall be of a type and capacity approved by the Township, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstand abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Section 5.5 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 5.6 Where necessary in the opinion of the Township, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, a) reduce objectionable characteristics or constituents to within the maximum limits as provided for in Section 5.2, or b) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Township and of the State regulation agencies and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 5.7 Application for use of sewers requires each person or establishment, with any other than domestic waste discharge, to do any or all of the following:

- a) Request service for Sanitary Sewer, Storm Sewer, or other;
- b) Request to include all of the following:
 - 1) State nature of business or enterprise
 - 2) State source and volume of water used both in processing, cooling, and waste transportation
 - 3) State volumes in gallons of water to be discharged to sanitary, storm or other surface or ground areas.
 - 4) List all substances of a chemical, biological, or radioactive nature, other than those found in the source water supply, which are now or will be found in all wastewater discharges.
 - 5) Provide plan maps of buildings, waste treatment works, process flow patterns, outfall lines, and in-plant drainage lines
 - 6) Sample, test and file reports with the Township and appropriate State agencies on specified waste characteristics. All schedules, location and methods to be approve by the Township.
 - 7) Place waste treatment facilities, process facilities, waste streams or other facilities generating wastes or possessing potential waste problems under designated control and supervision of person who have been approved by appropriate State agencies.
 - 8) Provide a report on all raw materials entering the process or support system, including analyses and assays provided by suppliers of raw materials.
 - 9) Maintain records and file reports on final disposal of specific liquid solids, sludges, oils, radioactive materials, solvents or other hazardous wastes.

Section 5.8 Upon completion of any or all of the items under Section 5.7 above, the Towns will, after reviewing applications, issue a sewer use permit which will include all or part of the following:

- a) State location of discharge points to Sanitary, Storm Sewers, or surface water areas.
- b) Designation of maximum allowable volumes of Sewage to be discharged at at discharge points.
- c) Designation of any discharge restrictions.
- d) Designation of types and sizes of containment facilities to control process spills to the designated Sewers.
- e) Provision for sampling and analysis of waste discharged to designated Sewers.
- f) Provisions for filing reports on waste analysis with the Township.
- g) Provisions for notifying the Township of any changes in process and/or wastes or proposed additional waste, or connections to the designated or other Sewers.
- h) Establish limits on specific waste constituents in mg/l and in pounds per day. Limits can include, but are not limited to, BOD, COD, temperature

pH, suspended solids, volatile suspended solids, soluble metal wastes, toxins, pesticides, herbicides, solvents, detergents, and other wastes capable of creating hazards to humans, animal, or aquatic life or which might create any hazards to Sewers, the Sewage Works, the Wastewater Treatment Plant or the receiving waters.

- i) Establishment of any fees deemed necessary to defray costs of sampling, and/or analysis by the Township.
- j) The Township reserves the right, at any time, to reappraise the requirement of any industry for its use permit.

Any industry that does not normally discharge to the Sanitary Sewer, Storm Sewer, or receiving stream, but has the potential to do so from accidental spills or other circumstances; may requested by the Township to file or accomplish any of the above listed items.

Section 5.9 Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 5.10 When required by the Township the owner of any property served by a Building Sewer carrying Industrial Wastes, shall install a suitable control manhole in the Building Sewer to facilitate observation, sampling and measurement of the wastes. The control manhole may be required by the Township for any industrial or commercial Building Sewer whose water supply is from an unmetered private well. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Township. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 5.11 All measurements, tests, and analyses of the characteristics of water and was to which reference is made in Section 5.3, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for in Section 5.10, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public Sewer to the point at which the Building Sewer is connected. In addition to the "Standard Methods", all testing should conform with "Guidelines Establishing Test Procedures for Analysis of Pollutants" as published in October 16, 1973, Feder Register (40 CFR 136).

Section 5.12 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any Industrial User whereby an Industrial Waste of unusual strength or character may be accepted by the Township for treatment, subject to payment therefore by the Industrial User. The strength of any wastes referred to herein shall be determined under the requirements of Section 5.11.

Section 5.13 Notwithstanding anything herein to the contrary, all requirements including discharge limits of the NPDES permit shall be adhered to.

ARTICLE VI

User Classification

Section 6.1 The recipients of wastewater treatment services will be assigned to one of the following classes:

(a) Industrial User

(i) Any nongovernmental, nonresidential user of the Sewage Works and Wastewater Treatment Plant which discharges more than the equivalent of 25,000 gallons per day (gpd) of Sewage (which may, at the discretion of the Township, be exclusive of domestic wastes or discharges from sanitary conveniences) and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

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

For purposes of this subparagraph, the equivalent of 25,000 gpd of Sewage shall be determined on an actual volume basis or by the weight of BOD or SS equivalent to that weight found in 25,000 gpd of Normal Strength Sewage.

(ii) Any nongovernmental user of the Sewage Works and Wastewater Treatment Plant which discharges Sewage containing toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the Sewage Works and Wastewater Treatment Plant, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the water receiving any discharge from the treatment works.

(b) Non-Industrial User - Any user which is not an Industrial User, as defined herein, including those which discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Section 6.2 The user may appeal his assigned classification by submitting a written appeal to the Township thirty (30) days in advance of a regularly scheduled Township Board meeting at which time the appeal will be heard.

ARTICLE VII

User Rates and Charges for Wastewater Disposal Service

Section 7.1 The System of the Township shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premise within the Township connected to and using facilities of the System shall pay user rates and charges as fixed and established from time to time by the Township. The Township shall annually review the user rates and charges as required by Public Law 92-500.

Section 7.2 Owners of premises required by Section 2.3 to connect to the System and subject to a special assessment comprised both of connection fee and front footage fee components as set forth in the Special Assessment Roll shall not be required to pay a Service Stub Fee.

Section 7.3 Owners of premises which are situated within the Special Assessment District, which are subject to a special assessment comprised only of a front footage component as set forth in the Special Assessment Roll, and which at the effective date of this ordinance are unimproved to the extent that connection to the System is not required by Section 2.3 above, who hereafter improve their premises such that connection is required by Section 2.3 shall pay a Service Stub Fee in the sum of \$500.00 per connection. The Service Stub Fee shall be payable in cash at the time a sewer connection permit is issued by the Township, or if the premises is to be improved by new construction, prior to the time a construction or building permit is issued by the County. In the alternative, the owner of the premises shall have the option of paying the Service Stub Fee over 30 years in equal annual installments payable on July 1 each year thereafter with interest at the rate of 6% percent per annum to accrue on the unpaid principal balance outstanding and with the additional option of prepaying such amount at any time upon payment in full of interest accruing to the First day of the month following payment.

Section 7.5 A Permit and Service Stub Inspection and Approval Fee of \$25.00 per service stub is hereby established. If, however, unusual circumstances demand, the Township may charge inspection costs on an hourly basis with a minimum fee of \$20.00.

Section 7.6 The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the Township Board based on the unit factors set forth in Exhibit A. The Township Board, if the circumstances justify, may assign more than one unit to a single family dwelling. No less than one unit shall be assigned to each premises but, for purposes of computing the connection fee, units in excess of one may be computed and assigned to the nearest tenth. If subsequent additions to the premises at any time increase the amount of Sanitary Sewage emanating from the premises, the Township Board shall increase the number of units assigned to said premises. If additional connections are required, a Service Stub Fee shall be payable for each additional connection in accordance with Section 7.4 above.

Section 7.7 Charges for sewage disposal services to each premises within the Township connected to the System shall be payable on a quarterly basis and shall consist of a User Charge of \$17.25 per quarter per unit.

Section 7.8 It shall be the duty of the Township Treasurer to collect all User Charges and the Township Treasurer shall mail each customer a bill separately itemizing said charges on or before the 10th day of the first month in the quarterly billing period. Payment of the bill which is rendered by the Township Treasurer ~~is due~~ and payable on or before the 25th day of the month in which it is rendered. Payment of said bill shall be made at a location designated by the Township Board.

Section 7.9 If User Charges are not paid on or before the due date then a penalty of 10% of the amount unpaid shall be added thereto. In the event that the charges for any such services furnished to any premises shall ~~not~~ be paid within 90 days after the due date thereof, then all services furnished by the Sewage Works may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus all expenses incurred by the Township for shutting off and turning on the services.

Section 7.10 If any fee imposed by Sections 7.2 and 7.6 hereof is not paid on or before the due date, the same shall draw interest at the rate of $\frac{1}{2}$ of 1% per month until paid. In the event that any such installment remains unpaid for 90 days or more after the due date, service may be discontinued as provided in Section 7.9 and shall not be restored until all amounts due are paid plus the shut-off and turn-on charges so provided are paid.

Section 7.11 If the character of Sewage from any manufacturing or industrial plant, or from any other building or premises is such that it imposes an unreasonable burden upon the Township's System, in the discretion of the Township, such owner may be required to separately and satisfactorily treat such Sewage before being emptied into any public Sewer, or the right to empty said Sewage may be denied, if necessary, for the protection of the system, public health or safety.

Section 7.12 The owner of a premises may file a hardship application with the Township Board seeking a deferment in the partial or total payment of charges imposed under Section 7.3 above, based upon a showing of financial hardship and in accordance with state laws.

Section 7.13 If it is determined pursuant to Section 5.11 that any premises connected to the Sewage Works is discharging Sewage in excess of Normal Strength, then the owner of such premises shall be subject to the following requirements:

a) If BOD exceeds Normal Strength BOD, then said owner shall be liable for a Unit Surcharge calculated in accordance with the following formula, where "X" equals the total number of gallons discharged each day and "Y" equals the BOD of the Sewage discharged expressed in parts per million by weight:

$$\left(\frac{X}{300} \times \frac{Y}{200} \right) \times (\$17.25) = \text{Unit Surcharge}$$

The Unit Surcharge shall be payable in addition to the other charges imposed hereby, shall be treated as an additional User Charge, and shall be payable quarterly in accordance with the terms and provisions hereof.

b) If SS exceeds Normal Strength SS, then the said owner shall be required to provide preliminary treatment of the Sewage in accordance with Section 5.6 hereof.

ARTICLE VIII

Industrial Cost Recovery Charges for Wastewater Disposal Service

Section 8.1 Federal assistance has been provided for construction of certain portions of the Township's System. In accordance with Public Law 92-500, one hundred percent (100%) of the Federal assistance allocable to the treatment of wastes generated by an Industrial User or capacity committed to industrial use must be recovered by an Industrial Cost Recovery System. The Industrial Cost Recovery Charges shall be established by the Township and shall be reviewed annually.

Section 8.2 Commencing on the effective date of this ordinance Industrial Users will be subject to Industrial Cost Recovery Charges. These charges will be billed periodically in accordance with this ordinance. These charges are separate from and in addition to the User Charges.

Section 8.3 Where metered water consumption is not representative of the quantity of wastewater discharged by an industry, special consideration will be given by the Township for establishing an equitable basis for determining Industrial Cost Recovery Charges.

Section 8.4 Bills shall be payable periodically and simultaneously with payments made for User Charges and shall be subject to such penalties as may apply to the bills for User Charges.

Section 8.5 Each year during the Industrial Cost Recovery Period, each Industrial User shall pay its share of the total amount of the federal grant awarded pursuant to this part, divided by the recovery period.

Section 8.6 The Industrial Cost Recovery Period shall be equal to 30 years or the useful life of the System, whichever is less.

Section 8.7 The first payment by an Industrial User shall be made not later than 1 year after such user begins use of the System.

Section 8.8 An Industrial User's share shall be based on all factors which significantly influence the cost of the System. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included to insure a proportional distribution of the grant assistance allocable to industrial use to all Industrial Users. As a minimum, an industry's share shall be proportional to its flow, in relation to Sewage Works' flow capacity.

Section 8.9 If there is a substantial change in the strength, volume, or delivery flow rate characteristics introduced into the System by an Industrial User, such user's share shall be adjusted accordingly.

Section 8.10 If there is an expansion or upgrading of the System, each existing Industrial User's share shall be adjusted accordingly.

Section 8.11 An Industrial User's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

Section 8.12 All unallocated treatment works capacity must conform with the requirements of section 204(a) (5) of the Act. Cost-effectiveness guidelines are published as Appendix A to this subpart to furnish additional advisory information concerning the implementation of section 212 (c) of the Act.

Section 8.13 An Industrial User's share shall not include an interest component.

Section 8.14 An Industrial User may appeal the volume of flow, BOD, and SS upon which the user's share is calculated to the Township Board.

ARTICLE IX

Allocation of Revenues - Fiscal Year

Section 9.1 From and after the effective date of this ordinance, the revenues and income derived from the collection of rates and charges as authorized in Article VII of this ordinance shall be deposited into a separate depository account designated SEWAGE DISPOSAL SYSTEM RECEIVING FUND (hereinafter referred to as the "Receiving Fund"): The moneys so deposited shall be allocated in the books and records of the Township in the following manner:

(a) Every quarter there shall for the System be set aside into an "Operation and Maintenance Account," a sum sufficient to pay the next quarter's current expenses of Operation and Maintenance. Any sums remaining in said Account at the end of such operating year shall be carried over and applied towards the next succeeding year's expenses for Operation and Maintenance.

(b) At the end of each operating year, there shall be set aside all remaining revenues in the Receiving Fund into a "Surplus Account." The funds in this account, at the option of the Township Board, may be used for any legally permissible project or purpose reasonably related to the System.

Section 9.2 Moneys in the Receiving Fund or any account thereof may be invested in obligations of the United States of America in the manner and subject to the limitation provided in Act 188, Public Acts of Michigan, as amended.

Section 9.3 From and after the effective date of this ordinance, the revenues and income derived from the collection of rates and charges as authorized in Article VIII of this ordinance, shall be deposited as received in a separate depository account designated INDUSTRIAL COST RECOVERY SYSTEM RECEIVING FUND (hereinafter referred to as the "ICRS Receiving Fund") and said revenues shall be transferred periodically from said fund to the funds specified as follows to wit:

A. Ten percent of the original ICR payments can be invested or spent by the Township, subject to two limitations. They may not be used for industrial pretreatment facilities or as rebates to Industrial Users.

B. Fifty percent of the original amount, together with 50 percent of the accumulated interest, is to be paid by check to the U.S. Environmental Protection Agency and forwarded to the Financial Management Office of the Regional Administrator. The closing date for making such payments has been established as no later than four months after the end of the grantee's annual accounting period.

C. The remaining 40 percent of the original amount is to continue to be invested in appropriate accounts (together with the optional 10 percent if desired) until its use is required by the Township for expansion or reconstruction of the treatment works. Eligible costs are defined in 40 CFR, Section 35.940. The written approval of the Regional Administrator is required prior to commitment of any of this 40 percent 40 CFR, Section 35.928-2(b). Approval is not considered a grant, since these funds are considered to belong to the Township.

Section 9.4 The ICRS Receiving Fund shall be (i) invested, pending transfer pursuant to Section 9.2 hereof in obligations of the U.S. Government or in obligation guaranteed as to principal and interest by the U.S. Government or any agency thereof, or (ii) deposited in accounts fully collateralized by obligations of the U.S. Government or any agency thereof.

Section 9.5 The fiscal year, for the purposes of this ordinance, shall coincide with the fiscal year of the Township.

ARTICLE X

Powers and Authority of Inspectors

Section 10.1 The duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

ARTICLE XI

Enforcement

Section 11.1 The charges and rates for sewer services provided above shall be a lien on all premises served thereby. Whenever any such charge against any piece of property shall be delinquent for ninety (90) days or more the Township official or officials in charge of the collection thereof shall certify annually, on September 15, of each year, to the tax-assessing officer of the Township, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises and shall be collected and the lien thereof enforced.

ARTICLE XII

Annual Audit

Section 12.1 The Township shall maintain complete books and records relating to the operations of the Sewage Works and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report to be prepared. A copy of each audit report will be made available upon written request to holders of outstanding debt incurred to finance part or all of the cost of the Sewage Works and to the U.S. EPA.

ARTICLE XIII

Penalties

Section 13.1 Any person found to be violating any provision of this ordinance except Article IX shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

Section 13.2 Any person who shall continue any violation beyond the time limit provided for in Section 12.1 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 13.3 Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss, or damage occasioned the Township by reason of such violation.

ARTICLE XIV

Validity

Section 14.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XV

Enactment

Section 15.1 This ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE XVI

Amendment

Section 16.1 The Township specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided. It being understood, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no way change, relieve or release the contractual and legal obligation of the Township under any contract or ordinance authorizing the issuance of bonds for the acquisition, construction and improvement of the System.

Passed and adopted by the Township Board of the Township of Superior, County of Chippewa, Michigan, on December 9, 1980, and approved by me on December 9, 1980.

Supervisor
Township of Superior

Attest:

Mary Lind
Township Clerk