

ORDINANCE 060491-1

ORDINANCE FOR WASTEWATER AND WASTEWATER COLLECTION

AN ORDINANCE TO PROVIDE FOR THE OPERATION, MAINTENANCE, EXPANSION AND FINANCING OF THE WASTEWATER SYSTEM WITHIN THE CHARTER TOWNSHIP OF MARQUETTE; FOR THE ESTABLISHMENT OF FEES AND THE RATES THEREOF; AND FOR AMENDMENT OF THIS ORDINANCE, IN THE INTEREST OF THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWNSHIP OF MARQUETTE.

THE CHARTER TOWNSHIP OF MARQUETTE ORDAINS:

PART ONE: GENERAL PROVISIONS.

SECTION 1. Authority.

This Ordinance is adopted in accordance with the powers vested in the Charter Township of Marquette pursuant to the Revenue Bond Act, Act 94 P.A., 1933, the Michigan Public Code, Act 368 P.A., 1978 and the general ordinance powers of the Township, MCLA 41.181 et. seq.

SECTION 2. Purpose and Policy.

An Ordinance regulating private and public sewers, sewer connections, industrial waste pretreatment facilities and discharge of industrial waste into the publicly operated treatment works and providing for pollutant limitations, data collection, monitoring and sampling, and providing for penalties for the violation thereof.

The objectives of this Ordinance are:

- a. To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- b. To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- c. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

SECTION 3. Short Title.

This Ordinance shall be known and may be cited as the Charter Township of Marquette Wastewater Collection Ordinance.

SECTION 4. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

Act or "The Act" – the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Administrator – defined in Part Two, Section 3 of this Ordinance.

Applicable County Health Department – shall mean the County of Marquette Health Department.

Authorized Representative of Industrial User – a) an authorized representative of an Industrial User is a corporation b) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which any direct discharge or indirect discharge originates.

Available Public Wastewater System – a system of sanitary sewers, pump stations, treatment facilities, and appurtenances owned, operated and controlled by the Township, or by the Authority, through which wastewater is collected and treated.

Authority – means the joint Sewer System Authority of the City of Marquette, Charter Township of Marquette, and Charter Township of Chocolay.

Backflow – shall mean water of questionable quality, waste or other contaminants entering a public water supply system due to a reversal of flow.

Biochemical Oxygen Demand (BOD) – the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed interims of weight and concentration (milligrams per liter).

Board (Township Board) – shall mean the elected governing body of the Charter Township of Marquette.

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

Building Sewer – shall mean the extension from the building drain to the public sewer or other place of disposal.

Categorical Standards – National Categorical Pretreatment Standards or Pretreatment Standard.

Chemical Oxygen Demand (COD) – a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

Chlorine Demand – shall mean the difference between the amount of chlorine applied and the amount of free chlorine available at the end of the contact time, expressed in milligrams per liter.

City – the City of Marquette, Michigan, its agents and employees.

Combined Sewer – shall mean a sewer receiving both surface runoff and sewage.

Commercial User – a business engaged in buying, selling, or exchanging goods or services.

Commercial Waste – shall mean a liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or services.

Compatible Pollutant – a substance amenable to treatment in the wastewater plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

Composite Sample – a series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.

Contaminate – means a physical, chemical, biological and radiological substance or matter in water.

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

Debt Service Charge – means charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system. The debt service charge shall be in addition to the User Charge specified below.

Design Standards – Township Utility Department Standards and Ten State Standards.

Direct Discharge – the discharge of treated or untreated wastewater directly into the waters of the State.

Environmental Protection Agency, or EPA – the U.S. Environmental Protection Agency, Administrator or other duly authorized official.

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

Grab Sample – a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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

Incompatible Pollutants – any pollutant which is not a compatible pollutant.

Indirect Discharge – the discharge or the introduction of non-domestic pollutants into the POTW (including holding tank waste discharged into the system).

Indirect Wastes – the wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

Industrial User – business engaged in the production, manufacturing or processing of products.

Infiltration – shall mean any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

Infiltration/Inflow – shall mean the total quantity of water from both infiltration and inflow.

Inflow – shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connection.

Interference – the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the NPDES Permit or reduces the efficiency of the POTW. The term also includes prevention of sewage sludge use or disposal by the POTW.

Laboratory Determination – the measurements, tests and analysis of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of “Standard Methods for Examination of Water and Waste Water”, a joint publication of the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this Ordinance.

Lateral Line – that portion of the wastewater system located under the street or within the street right-of-way from the property line to the trunk line and which collects sewage from a particular property for transfer to the trunk line.

Major contributing industry – any User of the publicly owned treatment works that:

- a. Has a flow of 50,000 gallons or more per average work day;
- b. Has a flow greater than five percent (5%) of the flow carried by the Township Collection System receiving the wastes;
- c. Has in its waste, a toxic pollutant in toxic amounts as defined in the standards under Section 307(a) of the Federal Water Pollution Control Act of 1972; or
- d. Is found by any regulatory agency to significantly impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from that treatment works.

Manager – shall mean the Township Manager, or his authorized representatives.

National Categorical Pretreatment Standard or Pretreatment Standard – any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of Users.

National Pollution Discharge Elimination System or NPDES Permit – a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard – any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

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

New Source – any source of wastewater, the construction of which is commenced after the adoption of this Ordinance.

Normal Domestic Sewage (NDS) – wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; not more than 240 mg/l of suspended solids; nor more than 10 mg/l of phosphorus.

Obstruction – any object of whatever nature which substantially impedes the flow of wastewater from the point of origination to the trunk line. This shall include, but not limited to, objects, wastewater, tree roots, rocks and debris of any type.

Operation and Maintenance – means all work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other applicable state and federal regulations, and includes the cost of replacement.

Owner – the owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in possession or control of a building.

Person – any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH – the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Plans and Specifications – shall mean a true description or representation of the wastewater and appurtenances thereof to be constructed, and shall include a location map with a legal description of the easements wherein the wastewater mains are to be constructed if such easements are not located within a public highway, street or right-of-way.

Pollutant – any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

Pollution – the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

POTW Treatment Plant – that portion of the POTW designed to provide treatment to wastewater.

Pressure System – all service lines and equipment for the disposal of sewage installed or located on any property, from the grinder pump to and including any structure or facility which exists on the property.

Pretreatment or Treatment – the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Requirements – any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.

Private Sewer Lines – all service lines and equipment for the disposal of sewage installed or located on any property, from the property line, to and including any structure or facility which exists on the property.

Process Flow – any industrial or commercial activity resulting in wastewater discharge.

Properly Shredded Garbage – shall mean the wastes from the preparation, cooking and dispensing of food 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 one-half (1/2) inch in any dimension.

Property Owner – the owner of the property which abuts the street.

Publicly Owned Treatment Works (POTW) – a treatment works as defined by Section 212 of the Act, which is owned in this instance by the County of Marquette. This definition includes any sewers that convey wastewater to the POTW Treatment Plant. For the purposes of this Ordinance, “POTW” shall also include any sewers that convey wastewaters to POTW from persons outside the City of Marquette who are, by contract or agreement with the City of Marquette, Users of the POTW.

Public Sewer – shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority or by the Authority.

Public Wastewater System – a system of sanitary sewers, pump stations, treatment facilities and appurtenances owned, operated and controlled by the Township, or by the Authority, through which wastewater is collected and treated.

Replacement – means the replacement in whole or part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the NPDES Permit and other applicable state and federal regulations.

Sanitary Sewer – shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

Sewage – shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

Sewage Treatment Plant or Wastewater Treatment Plant – shall mean any arrangement of devices and structures used for treating sewage.

Sewage Works – shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer – shall mean a pipe or conduit for carrying sewage.

Sewage Service Charge – means the sum of the applicable user charge, surcharges and debt service charges.

Shall – is mandatory; **May** is permissive.

Significant Industrial User – any User of the Township Wastewater Disposal System who (a) has a discharge flow of 25,000 gallons or more per average work day; or (b) has a flow greater than 5% of the flow in the wastewater treatment system; or (c) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or State Statutes and rules; or (d) is found by the Charter Township of Marquette, Michigan Department of Natural Resources, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.

Slug Load – any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

Standard Classification (SIC) – a classification pursuant to the Standard Classification Manual issued by the Executive Office of the U.S. President, Office of Management and Budget, 1972.

State – State of Michigan.

Storm Sewer or Storm Drain – shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Storm Water – any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent – the person designated to supervise the operation of the POTW, or his duly authorized representative.

Surcharge – as part of the service charge, any customer discharging wastewater having strength in excess of limits set forth herein may be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.

Suspended Solids – the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

System – the public wastewater system.

Township – the Charter Township of Marquette, Michigan, and its agents and employees.

Township Utility Department Standards – shall mean the standard water main and sanitary sewer construction specifications.

Toxic Pollutant – any pollutant or combination of pollutants which is or can be potentially harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Act or other statutes.

Trunk Line – the main sewer line located under any street or within any street right-of-way, or within any easement granted for a municipal wastewater system, which collects and transmits the wastewater of the various properties served by the wastewater system.

Uncontaminated Industrial Waste – wastewater that has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

User – any person who contributes, causes or permits the contribution of wastewater into the POTW.

User Charge – means a charge levied on Users of a treatment works for the cost of operation and maintenance of sewerage works pursuant to Section 204(b) of PL 92-500 and includes the cost of replacement.

User Class – means the kind of User connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental. The User classes are defined as follows:

Residential User – shall mean a User of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered commercial).

Industrial User – shall mean any User who discharges “industrial wastes” as defined in this Ordinance.

Commercial User – shall mean an establishment listed in the Office of the Management and Budget’s “Standard Industrial Classification Manual” (SICM), involved in commercial enterprise, business or service which, based on a determination by the Administrator, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a Residential User or an Industrial User.

Institutional User – shall mean any establishment listed in the SICM involved in a social, charitable, religious, or educational function, based on a determination by the Township Administrator which discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User – shall mean any federal, state, or local government user of the wastewater treatment works.

Wastewater – the liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater Advisory Board – the administrative board which oversees operation of the Authority.

Watercourse – a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State – all streams, lakes, ponds, marshes, watercourses, waterways, wells, wetlands, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

SECTION 5: Abbreviations.

The following abbreviations shall have the designated meanings:

1. BOD Biochemical Oxygen Demand
2. CFR Code of Federal Regulations
3. COD Chemical Oxygen Demand
4. EPA Environmental Protection Agency
5. l Liter
6. mg Milligrams
7. mg/l Milligrams per Liter
8. NDS Normal Domestic Sewage
9. NPDES National Pollutant Discharge Elimination System
10. P Phosphorus
11. POTW Publicly Owned Treatment Works
12. SIC Standard Industrial Classification

- 13. SICM Standard Industrial Classification Manual
- 14. SS Suspended Solids
- 15. SWDA Solid Waste Disposal Act, 42 U.S. C. 6901, et. Seq.
- 16. O&M Operation and Maintenance
- 17. CWA Clean Water Act

PART TWO: ADMINISTRATION.

SECTION 1. Powers of the Board.

The Board shall determine or supervise all aspects of administration in accordance with the provisions of this Ordinance. Duties shall include the receipt of plans and permit requests and the determination of permit grant or denial. Administrator shall also mean his authorized representatives.

SECTION 2. Administrator.

The Township Board shall appoint an Administrator to implement this Ordinance. Duties shall include the receipt of plans and permit requests and the determination of permit grant or denial. Administrator shall also mean his authorized representatives.

SECTION 3. Variances/Exceptions.

The Administrator shall administer and enforce all provisions of this Ordinance and shall not waive any provision or make any exceptions to the requirements contained herein. If it is determined that a proposal fails to meet the requirements of this Ordinance, the person making the proposal may request a variance from this Ordinance. All variance requests shall be heard and determined by the Township Board. No variances may be granted respecting provisions of the Michigan Public Health Code or Safe Drinking Water Act or the regulations promulgated thereunder.

SECTION 4. Variance Procedure.

In the event of a variance request, a public hearing shall be held by the Board to determine the merits of the variance request. Notice shall be published in a newspaper of general circulation at least ten days prior to the public hearing. Notice shall contain the date, time and place of the meeting, a description of the property involved and conditions of the request. All decisions of the Board shall be final. The provisions in this section are subject to the provisions for disconnection and emergency situations which shall have precedence over the variance procedure set out herein. A request for variance shall not stay disconnection or other emergency measures undertaken by the Township.

SECTION 5. Enforcement – Operation.

- 5.1 The Administrator is charged with the duty of investigating, preventing and abating violations and enforcing the provisions of this Ordinance.
- 5.2 The Administrator shall be responsible for the supervision and control of the maintenance of the existing sewer line and all new connections. The Administrator shall be responsible for the supervision and control of all other matters related to the operation, maintenance, alteration, repair, and management of the wastewater collection system.

The Township may employ such person or persons in such capacity or capacities as advisable to carry out the efficient management and operations of the system and may make such necessary or recommended rules, orders and regulations to assure the efficient management and operation of the system, including the setting of rates, surcharges, fees, penalties, or other charges, for the use of said system.

5.3 The Administrator is hereby empowered to:

- a. Supervise the implementation of this Ordinance.

- b. Institute actions against all Users violating these sections and institute legal proceedings in the name of the Township in a court of competent jurisdiction for the abatement or prevention of any nuisance, injunctive relief, damages, or other relief with respect to violations of this Ordinance.
- c. Review the plans for pretreatment equipment submitted by Users.
- d. Make periodic inspections and tests of existing and newly installed, constructed, reconstructed, or altered sampling, metering, or pretreatment equipment to determine compliance with the provisions of these sections.
- e. Investigate complaints of violations and make inspections and observations of discharges. Record such investigations, complaints, and observations.
- f. Issue orders requiring compliance with these sections.
- g. Propose the imposition of civil penalties for violations of these sections.
- h. Make recommendations to the Township Manager for amendments to these sections.
- i. Encourage voluntary cooperation by persons of affected groups in water pollution control.
- j. Collect and disseminate information of water pollution control.
- k. Coordinate activities under these sections with planning and zoning agencies to promote conservation and management of the water resources of the Township.
- l. Cooperate with federal, interstate, state, county, district, municipal, or other agencies concerned with water pollution with respect to studies, abatement programs, public complaints, and other matters to conserve and improve the natural resources of the Township.
- m. Institute legal proceedings in the name of the Township in a court of competent jurisdiction to compel compliance with provisions of this Ordinance or any determination or order which may be promulgated or issued pursuant to these sections.

SECTION 6. Penalties.

- 6.1** Any person found to be violating any provision of this Ordinance shall be served 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.
- 6.2** Any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days or both, such fine and imprisonment in the discretion of the court. Each day in which any such violation shall continue, shall be deemed a separate offense.

Enforcement and Property Liens. The charges for services which under the provisions of Section 21, Act 94, Public Acts of Michigan 1933, as amended (The Revenue Bond Act of 1933) may be a lien on all premises served thereby are hereby declared to be lien upon all such premises served, and those charges delinquent for six (6) months or more shall be certified annually, on November 16 of each year, by the Township Supervisor to the Township Tax Assessor, whereupon the lien shall be entered upon the tax roll by the Tax Assessor, against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes

assessed upon the roll and the enforcement of the lien for the taxes. The Township shall not render services until a cash deposit is made as a security for the payment of charges as follows:

For a single-family residential service, a cash deposit in the amount of \$35.00 shall be required.

For any other type of service, a cash deposit in the amount of one month's estimated bill for services shall be required.

In addition to the foregoing, the Township shall have the right to shut off water and/or service to any premises for which charges for water and/or sewer service are more than thirty (30) days delinquent, and any such service shut-off shall not be restored until all delinquent charges and penalties and turn-on charge, to be specified by the Township Board, have been paid. The enforcement of payment of delinquent water and sewer bills by shutting off service as hereinabove provided shall be in addition to any other lawful enforcement methods which the Township may have, shall be cumulative thereto, and may be pursued by the Township in addition to any other legal or equitable remedies which the Township may have to collect the debt or to require compliance with any Township Ordinance.

6.3 Any business, industry or individual violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This cost be levied in addition to the fine identified in the section entitled "User Charge System".

6.4 Every person who shall violate any of the provision of this Ordinance shall be liable to the Township for civil damages incurred by the Township in correcting any defect, curing the violation, or otherwise securing compliance, and such civil liability shall be in addition to any criminal liability set forth above.

SECTION 7. Administrative Appeals – Board of Appeals.

- a. In Order that the provisions of this Ordinance may be reasonable applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Administrator and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the Order or jeopardize the public health or safety.
- b. An informal hearing before the Administrator may be requested in writing by any User or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action with ten (10) days after the date thereof, stating the reasons therefore with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement.

The hearing shall be conducted on an informal basis at the Township Hall or at such place as designated by the Administrator.

SECTION 8. Records Retention.

All Users subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereto, relating to monitoring, sampling and chemical analysis made by or in behalf of a User in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

SECTION 9. Records.

The Township will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. The Township will cause an annual audit of such books of record and account for the preceding operating year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

There shall be an annual review by the Township Board of the sewer charge system to determine whether revenues are meeting expected expenditures for the following year and to insure proportionality among User classes as required by federal regulations.

Classification of old and new industrial users shall also be reviewed annually.

The Township will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

PART THREE: SYSTEM CONNECTIONS AND PERMITS

SECTION 1. Permits Required.

Before any Township permit may be issued or work commenced toward any alteration or modification of the public wastewater system, the person making the proposal shall obtain either written approval from the Administrator for the proposal or a written statement that the proposal has been reviewed by the Administrator and does not require his approval under law.

There are hereby established two Township permits to be known as:

- a. Wastewater Connection Permit – for tapping a building service line into the public wastewater system.
- b. Wastewater Construction Permit – for constructing extensions to the public wastewater system.

The following requirements for these permits and their effect shall be provided in the following sections of this part.

SECTION 2. General Permit Requirements.

- 2.1** Design standards are adopted by the Township Board to provide a reasonable and proper basis for the design and construction of engineering improvements in Marquette Township. They are written for engineers and applicants, and provide procedures and criteria for water system improvements and wastewater system improvements.

These standards are minimum requirements adopted for the promotion and preservation of public health, safety and the general welfare of the Township. These standards are not intended to repeal, abrogate, annual or in any manner interfere with existing regulations or ordinances of the Township, nor conflict with any statutes of the State of Michigan or Marquette County ordinances except that these standards impose a greater restriction than is provided by existing statutes, laws or regulations.

- 2.2** All general plans for engineering improvements and all site plans shall be submitted on 24-inch by 36-inch white prints having blue or black lines, and shall be neatly and accurately prepared and contain, at a minimum, the following information:
- a. Title Block showing name and description of property, registered land surveyor or engineer drawn by: date, scale, etc.
 - b. North arrow
 - c. Bench marks (USGS Datum)
 - d. Engineer's stamp or seal
 - e. Existing contour lines
 - f. Proposed contour lines
 - g. Off-site elevations (100 feet on each side of parcel)
 - h. Existing utilities – proposed future utilities
 - i. Street names and R.O.W. width
 - j. Easements
 - k. Lot numbers and dimensions of acreage or tract
 - l. Stationing
 - m. Names of adjacent plat or subdivision
 - n. Tie from nearest cross street or section corner
 - o. Location of proposed building on property
 - p. Sewer and water services (location, inverts, and size)

q. Location and elevations of ditches, culverts, and county drains

2.3 Easements shall be prepared by the applicant and granted to the Township where required. Minimum requirements are as follows:

- a. All public utilities require easements
- b. Minimum width shall be 20 feet
- c. Utilities in easements shall be at least 2 feet from side or rear lot lines
- d. Developments traversed by a water course or containing a water area shall provide a storm drain easement or other means of access for public maintenance of flow
- e. Public walkway easements, not less than 10 feet wide, shall be provided and constructed where requested
- f. Easement shall be prepared by a registered land surveyor and shall include both a metes and bounds description and a survey drawing

2.4 As-built plans shall be submitted upon completion of the development and be certified by a licensed engineer or registered land surveyor.

SECTION 3. Building Sewer System Connections and Permits.

3.1 No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Superintendent. No building sewer shall be covered until after it has been inspected and approved by their Administrator. All control manholes and the equipment contained therein are deemed to be part of the public wastewater system.

3.2 The owner or his agent shall make application for a sewer permit on a form furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information required by this Ordinance or considered pertinent in the judgment of the Township. A hook-up fee shall be paid to the Township Treasurer at the time the application is filed. A plumbing permit is also required. If a street opening is required to make the lead connection, an additional attachment to the permit must be completed.

3.3 All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the property owner.

3.4 All costs, expenses and liabilities incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify and save harmless the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- a. It shall be the duty of each property owner to maintain, clean and repair the private sewer lines on his property at his own expense as necessary to keep such lines free and clear of obstructions and in good working order and to maintain and keep clear of obstructions the lateral lines servicing his property.
- b. It shall be the duty of the Township to maintain, clean and repair as necessary and at its expense the sewer trunk lines and to repair or replace any broken or crushed lateral lines. The Township shall not be responsible for cleaning or maintenance of lateral lines.
- c. In the case of a bona fide dispute as to whether needed maintenance, cleaning or repair of a portion of sewer line is the responsibility of the property owner or the Township under the provisions of this Ordinance, it shall be the duty of the property owner to establish that the obstruction, disrepair or defect has occurred in that portion of the line for which the Township is responsible.

If the property owner fails to establish the Township's responsibility, it shall be the property owner's responsibility to perform the necessary maintenance as provided in this Ordinance.

If the Township responsibility is established, the Township shall perform the necessary maintenance and shall reimburse the property owner for reasonable expenses incurred in locating the defect in the line or in otherwise establishing the Township responsibility.

The property owner would be responsible under this Ordinance for the total maintenance and repair of the private sewer lines on his property and for the maintenance and cleaning, although not including major repair, of the entire sewer line out to the truck line. The Township, on the other hand, is responsible for major repair of the truck line and lateral lines only and has no responsibility of any sort for the private lines. The Township also has no responsibility to clean the lateral lines.

- d. Any property owner who shall violate the provisions of this Ordinance shall be liable to the Township for civil damages incurred in correcting the defect, and in addition, shall be guilty of a misdemeanor,

If any property owner fails to maintain a private sewer line as required by this Ordinance, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the County Health Officer and the defect may be corrected by the Township. Any costs so incurred shall be assessed against the property and become a lien on the property if not timely paid.

- 3.5** A separate and independent building sewer shall be provided for every building; provided however that where one building stands at the rear of another, or on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building.
- 3.6** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Administrator, to meet all requirements of this article.
- 3.7** The building sewer shall be constructed of materials approved by the Administrator. The Township reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Administrator.
- 3.8** The size and slope of the building sewer shall be subject to approval by the Administrator, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-quarter (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.
- 3.9** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45) degrees shall be provided with cleanouts accessible for cleaning.
- 3.10** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Superintendent, and discharged to the building sewer.
- 3.11** All joints and connections shall be made gastight and watertight. All joints and discharges to the building sewer shall be approved by the Superintendent.

- 3.12 No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.
- 3.13 All newly constructed building sewers shall have a properly sized cleanout at the head of said sewer that is accessible at all times. This cleanout shall allow access of sewer cleaning equipment of a size equivalent to the size of the building sewer.
- 3.14 All sewers shall be constructed in accordance with the latest edition of the "Ten State Standards".

SECTION 4. Mandatory Connection to Available Public Wastewater System.

Structures in which sanitary wastewater originates lying within the Township shall be connected to the available public wastewater system as defined herein, within 90 days of mailed notice by regular mail from the Township that such sanitary sewer is ready for use. Persons owning such structures shall pay all fees and charges due under this Ordinance at the time of connection. If, in the opinion of the Administrator, connection at an earlier time is necessary to protect the public health, the Board may so require.

SECTION 5. Wastewater Construction Permit.

- 5.1 The construction of any sanitary sewer which is designed or intended to serve two or more separate buildings, dwellings or mobile homes by connection to the public wastewater system shall not be commenced by any person before filing with the Administrator the plans and specifications therefore, and obtaining from the Administrator a valid permit for such construction.

Any person or the agent of any person applying for such a permit shall file with the Administrator an application therefore on a form furnished by the Administrator giving:

- a. The name, address, and telephone number of each contractor who will be involved in constructing the improvement.
- b. The correct names and addresses of all owners of land, and a legal description of the respective parcels, wherein the improvement is to be made.
- c. Evidence that all permits have been issued that are required by law or contract to be obtained for construction of the improvement from other governmental agencies.
- d. The plans, profiles, and specifications, for the improvement.
- e. The estimated cost of the work set forth in the plans as estimated by the engineer preparing for the plan.
- f. A computation of the appropriate fees as set forth in the scheduled ordinance, and,
- g. Such other information deemed necessary by the Administrator.

5.2 Submittal Requirements.

- 1. For Township approval of public service area of the proposed wastewater systems the following documentation must be submitted for ultimate review by the Michigan Department of Natural Resources:

- a. Attach a map of the general service area of the proposed wastewater systems, showing their relationship to the existing wastewater system to which the proposed wastewater systems will discharge.
 - b. Identify the service area of the proposed wastewater systems in terms of initial acreage of wastewater service area, future acreage of service area and year of future projection.
 - c. Identify the population density and total population to be tributary to the wastewater system for initial and future conditions.
 - d. Identify the per capita sewage flow contributions, average and maximum for initial and future conditions.
 - e. Describe commercial and industrial contributions, if known, or identify the flow volume allowance made for such future discharges. Include waste type, strength and volume (average and maximum condition).
 - f. Identify the anticipated flow rate at each point of entry into the existing system.
 - g. Tabulate the size and grade of each segment of the proposed sewer.
 - h. Attach an analysis of the effect the proposed flow will have on the existing rates for present and future flow conditions.
 - i. Describe the steps to be taken with respect to collected wastewater in case of power failure or equipment breakdown within a receiving wastewater collection and/or treatment system. Include a description of alternate power sources and/or reserve units available for emergency treatment, storage or transportation of the wastewater.
 - j. Describe utilities on profile, crossing proposed sewer.
2. All sanitary sewer plans and profiles shall be submitted on 24-inch by 36-inch white prints having blue or black lines, and shall be neatly and accurately prepared by a registered engineer and contain, at a minimum, the following information:
- a. Sewer locations.
 - b. Sewer size (minimum 8-inch).
 - c. Depth of invert (preferred 10 feet).
 - d. Sewer slope.
 - e. Class and type of pipe for various depths.
 - f. Bedding (class "B" minimum).
 - g. Compaction of trenches across roadways, driveways, sidewalks and parking lots (Class II Granular Backfill at 95% compaction).
 - h. Building service connections – location and type.
 - i. Manhole location.
 - j. Existing utilities on profile, crossing proposed sewer.
3. The applicant shall submit five (5) sets of final plans and specifications. The Administrator will insure proper submittal to the Michigan Department of Natural Resources for their issuance of a construction permit.

5.3 Design Standards.

Sanitary wastewater systems shall be designed according to Ten State Standards (contribution for laterals shall be 400 gallons per capita per day and for trunk lines 250 gallons per capita per day) and Township Utility Department Standards.

SECTION 6. Unsanitary Deposits, Discharge to Natural Outlets Prohibited.

- 6.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Township, or in any area under the jurisdiction of said Township, any human or animal excrement, garbage or other objectionable waste.
- 6.2 It shall be unlawful, when an available public wastewater system exists, to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township any sanitary sewage, industrial wastes, or other polluted waters. Under no circumstances shall such discharge be made unless specifically permitted by the applicable county health department.
- 6.3 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, unless specifically permitted by the applicable county health department or as hereinafter provided.
- 6.4 The owner of every house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Township and abutting on any street, alley, or right-of-way in which there is located a public sanitary or combined sewer of the Township, which is not more than two hundred (200) feet from any such structure, is hereby required at his/her expense to install suitable sewage facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after receipt of official notice to do so.

SECTION 7. Process Wastewater.

7.1 Wastewater Contribution Information.

Every industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Administrator. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below:

The Administrator may require any person who applies for or receives sewer service, to file the material listed below on a disclosure form prescribed by the Administrator.

- a. Name, address, and location of discharge site (if different from the address).
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- c. Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
 - “*Standard Methods for the Examination of Water and Wastewater*”, American Public Health Association, current edition.

- “*Manual of Methods for Chemical Analysis of Water and Wastes*”, United States Environmental Protection Agency, current edition.
 - “*Annual Book of Standards, Part 131, Water, Atmospheric Analysis*”, American Society of Testing Materials, current edition.
- d. Time and duration of contribution.
 - e. Average daily wastewater flow rates, including daily monthly and seasonal variations, if any.
 - f. Industries identified as significant industries or subject to the National Categorical Pretreatment Standards or those required by the Administrator must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
 - g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.
 - h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Township, City, County, State, Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required by the Industrial User to meet applicable Pretreatment Standards.
 - i. If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards.
 2. No increment referred to in paragraph 1 shall exceed 9 months.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Administrator including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.
 - j. Each product produced by type, amount, process, or processes and rate of production.
 - k. Type and amount of raw materials processed, average and maximum per day.
 - l. Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 - m. Any other information as may be deemed necessary to evaluate the impact of the discharge on the POTW.

- n. The discharge form shall be signed by a principal executive officer of the User and a qualified engineer.
- o. The Administrator will evaluate the complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Administrator shall notify the user of the acceptance thereof.

7.2 Discharge Modifications.

Within nine (9) months of the promulgation or revision of a National Categorical Pretreatment Standard, all affected Users must submit to the Administrator the information required by paragraph 1 (h) and 1 (i) of Section 7.1.

7.3 Discharge Conditions.

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges and fees established by the Township. The Township may:

- a. Set unit charges or a Schedule of user Charges and Fees for the wastewater to be discharged to the POTW
- b. Limit the average and maximum wastewater constituents and characteristics
- c. Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization
- d. Require the installation and maintenance of inspection sampling facilities
- e. Establish specifications and monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for testing and reporting schedule
- f. Establish compliance schedules
- g. Require submission of technical reports or discharge reports
- h. Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Township, and affording the Township access thereto, and copying thereof
- i. Require notification of the Administrator for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- j. Require notification of slug discharges
- k. Require other conditions as deemed appropriate by the Township to ensure compliance with this Ordinance.
- l. Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities
- m. Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

7.4 Compliance Date Report.

Within 90 days following the date for final compliance with applicable pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Administrator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an authorized representative of the Industrial User, and certified to be a qualified representative.

7.5 Periodic Compliance Reports.

Any User or New Source discharging into the POTW, shall submit to the Administrator during the months of June and December, unless required more frequently in Pretreatment Standards or by the Administrator, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 3(c) of Section 7. At the discretion of the Administrator and in consideration of such factors as local high or low rates, holidays, budget cycles, etc., the Administrator may agree to alter the months during which the above reports are to be submitted.

The Administrator may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such case, the report required by subparagraph (a) of this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

7.6 Monitoring Facilities.

The Township may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Township may, when such a location would be impractical or cause undue hardship on the User allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the Administrator and shall comply with all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Administrator.

7.7 Inspection and Sampling.

The Administrator may inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling records examination, records copying or in the performance of any of their duties. The Township, Michigan Department of

Natural Resources, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards to that upon presentation of suitable identification, personnel from the Township, Michigan Department of Natural Resources, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

7.8 Pretreatment.

Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and Shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations and as required by the Township. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Administrator for review, and shall be approved by the Administrator before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be acceptable to, the Township prior to the User's initiation of the changes.

The Township shall annually publish in the major local newspaper a list of the Users which were not in compliance with any Pretreatment Standards or Requirements at least once during the twelve previous months. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA, Township or Michigan Department of Natural Resources upon request.

7.9 Confidential Information.

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secret of the user under state or federal law.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, or the Pretreatment Programs; provided, however; that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the User or the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten (10) day notification is given to the User.

SECTION 8. Use of the Public Sewers.**8.1 General Discharge Prohibitions.**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW whether or not the User is subject to the National Categorical Pretreatment Standards or any other national, state, local pretreatment standards or requirements. The Township may refuse to accept any wastes which will cause the POTW to violate its NPDES discharge limits. A User may not contribute the following substances to any POTW:

- a. Any liquids, solids or gases which by reason of their nature and quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: **grease**, garbage with particles greater than one-half (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.
- c. Any wastewater having a pH less than 6.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with nay wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 307 (a) of the Act.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- g. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable solutions.
- i. Any wastewater having a temperature will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 C (104F).
- j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable state or federal regulations.
- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Any unpolluted water including, but not limited to, storm water, ground water, roof water, or non-contact cooling water.
- n. Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- o. Any waste from individual sewage disposal systems except at the POTW Treatment Plant as provided in Section 8.4(a) except that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Township, which agreement shall specify the site of disposal, sewage disposal charge and such other conditions as may be required to satisfy the sanitation and health requirements of the Township and County. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer.
- p. Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

8.2 Specific Pollutant Limitations.

If any waters are discharged or are proposed to be discharged to the public sewers which waters contain the substances or possess the characteristics enumerated in the NPDES Permit and which in the judgment of the Administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- a. Reject the wastes.
- b. Require pretreatment to the level defined as "Normal Domestic Sewage".
- c. Require control over the quantities and rates of discharges.
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges.
- e. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Superintendent concerning the proposed flows.

If the Township permits the pretreatment or equalization or waste flows, the design and installation of the Plant and equipment shall be subject to the review and approval of the Superintendent and shall be subject to the requirements of all applicable codes, ordinances and laws.

8.3 National Categorical Pretreatment Standards.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Administrator shall notify all affected Users of the applicable reporting requirements.

8.4 State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal or state requirement and limitations on those in this Ordinance.

- a. No User shall discharge or cause to be discharged any storm water, surface water, ground water, water from footing drains, or roof water to any sanitary sewer or sewer connection. Any premises connected to a storm sewer shall comply with county, state, and federal requirements as well as those of the Township.

Downspouts, septic tank and roof leaders shall be disconnected from sanitary sewers within six (6) months after the effective date of this Ordinance. If this is not done, the Township shall perform this work and bill the User.

Storm water, groundwater and all other unpolluted drainage shall only be discharged to such sewers as are specifically designed as combined sewers or storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Water Resources Commission.

- b. Grease, oil, and sand interceptors shall be provided when in the opinion of the Administrator they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding 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.

Where installed, all grease, oil and sand interceptors or flow equalizing facilities shall be maintained by the owner, at his own expense, in continuously efficient operation at all times.

- c. The admission into any sanitary sewers or storm sewers or any waters or wastes containing the following are prohibited:
 1. Five (5) day BOD greater than two hundred (200) parts per million by weight, or
 2. Containing more than two hundred forty (240) parts per million by weight of suspended solids, or
 3. Containing more than ten (10) parts per million by weight of phosphorus, or
 4. Containing any quantity of substances having the characteristics described in Section 8.1, or
 5. Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the POTW, or having a rate of flow (gallons per day) greater than ten percent (10%) of the average daily POTW flow for a period of one hour or more, shall be subject to review and approval of the Administrator.

Where necessary, in the opinion of the Township, the property owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids and phosphorus or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.5, or control the quantities and rates of discharge of such waters or wastes.

- d. Where the strength of sewage from an industrial, commercial, or institutional establishment exceeds limits established by NPDES Permit and where such wastes are permitted to be discharged to the sewer system by the Administrator, an added charge, as noted below, will be made against such establishment according to the strength of such wastes. The cost of taking and making the first of these samples shall

be borne by the Township. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the County owned wastewater treatment plant.

Added charges shall be determined by the Township. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

SECTION 9. Monitoring Requirements for Industrial Waste.

When required by the Township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. 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.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for, or upon suitable samples taken at said 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.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls or premises is appropriate or whether grab samples should be taken. The responsibilities of industry are further defined below:

1. One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. Such person would be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provide, such person would be involved with the prevention of accidental discharges of process wastes admitted to the sanitary sewer system. Such person must become aware of all potential and routine toxic wastes generated by their industry. Such person must also be informed of all process alternations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.
2. This industrial representative must catalog all chemicals stored, used, or manufactured by their industry. Such a listing should include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern; however, all discharges should be cataloged. An estimate of daily average flows and strengths must 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 Administrator.
3. The industrial representative shall determine whether or not large process alternations will occur during the next few years, one year, two years, five years. Management should be consulted to determine if such alternations are scheduled and forthcoming.
4. A sketch of the plant building(s) must be made, including a diagram of process and chemical storage areas. Locations of any pretreatment equipment shall be indicated and floor drains located near process and storage areas shall be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system shall be included on the plant layout sketch.

5. There must be separation of spent concentrations from the sanitary sewer to prevent toxic wastes from upsetting the municipal biological treatment plant. Supervision and operation of the operation of the pretreatment equipment for spent concentrations as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed in this Sewer Use Ordinance is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as designated areas 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 at the wastewater treatment plant.
6. Throughout the industry, adequate secondary containment of curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill trough and 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.
7. An adequate sampling vault or manhole must be provided in an accessible place for municipal treatment plant personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Township determines necessary to protect the treatment plant and receiving stream. Should the Township desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory – complete with 110 volt AC. Samples collected shall be divided between the industry and Township for analysis if so desired by the industry. The sampling vault shall be located so as to give access by the Township personnel without entering the industrial property.

Industrial cooling water containing such pollutants as insoluble oils and grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to a Michigan Department of Natural Resources approved drainage outlet.

Agents of the Township, Marquette County Health Department, Michigan Department of Natural Resources or U.S. Environmental Protection Agency, shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge and copying applicable pretreatment records.

SECTION 10. Flow Determination.

To determine the sewage flow from any establishment, the Administrator may use one of the following methods:

- a. The amount of water supplied to the premises by the Township or a private water company as shown upon the water meter if the premises are metered, or
- b. If such premises are supplied with river water or water from private water company as shown upon the water meter if the premises are metered, or
- c. If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the wastewater system made by the Administrator from the water, gas, or electric supply, or
- d. The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his/her own expense in accordance with the terms and conditions of the permit issued by the Administrator pursuant to Section 1, or
- e. A figure determined by the Administrator by any combination of the foregoing or by any other equitable method.

SECTION 11. Excessive Discharges.

No User shall ever increase the use of process water or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant – specific limitation developed by the Township or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 8 upon prior written approval of the Administrator.

SECTION 12. Accidental Discharge.

When required by the Administrator or otherwise, a User shall provide protection from accidental discharge of prohibited materials by other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or Users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance. If required by the Township, a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- a. **Written Notice.** Within five (5) days following an accidental discharge, the User shall submit to the Administrator a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability civil or criminal which may be imposed under this Ordinance or other applicable law.
- b. **Notice to Employees.** A notice shall be permanently posed on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

SECTION 13. Special Agreements.

No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the Township and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Township, subject to payment therefore by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

SECTION 14. Right of Revision.

The township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Part 1, Section 2 of this Ordinance.

SECTION 15. Disposal at POTW Treatment Plant.

Waste from individual sewage systems may be accepted at the POTW Treatment Plant with permission of the Superintendent. No waste or wastes described in Section 8 of this Ordinance, shall be disposed of at the POTW Treatment Plant.

SECTION 16. Fees for Pretreatment.

16.1 Purpose.

It is the purpose of this Section 16 to provide for the recovery of costs from Users of the POTW for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the Township's Schedule of Charges and Fees, which is identified as Schedule A of this Ordinance.

16.2 Charges and Fees.

Charges and fees are established to fully fund the operation, maintenance and improvements of the system. These charges and fees are:

- a. For reimbursement of costs of setting up and operating the pretreatment program.
- b. For monitoring, inspections and surveillance procedures.
- c. For reviewing accidental discharge procedures and construction.
- d. For filing appeals.
- e. For consistent removal by the Township of pollutants otherwise subject to Federal Pretreatment Standards.
- f. And others as the Township may deem necessary to carry out the requirements contained herein.
- g. Additional surcharges may be made by the Township to compensate the Township for the cost of treatment of pollutant loadings not normally treated at or in excess of those normally treated by the POTW.
- h. There shall be additional charges for laboratory testing of wastewater. The laboratory charge shall be for the cost thereof and will be determined for each Industrial User.

The charges and fees for the services provided by the system shall be levied upon any User which may have any sewer connections with the POTW and which discharges industrial waste to the POTW or any part thereof. Such charges shall be based upon the quantity and quality of industrial wastewater produced or generated.

SECTION 17. Protection from Damage.

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

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

SECTION 18. Power and Authority of Inspectors.

The Administrator and other duly authorized employees of the Township acting as his duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

SECTION 19. Orders.

If the Administrator determines that a User has violated any provision of this Ordinance, the Administrator may issue an order to take action deemed appropriate under the circumstances, including but not limited to the following:

19.1 Immediate Cease and Desist Order.

The Superintendent may issue an Order to Cease and Desist from discharging any wastewater, incompatible pollutant, or illegal discharge. Such order shall have immediate effect where the actual or threatened discharge of pollutants to the system presents, or may present, imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference with the operation of the public system or treatment plant. If action is not taken immediately to correct illegal discharge, the Administrator will implement whatever action is necessary to halt said discharge. Any penalties, fines, expenses or losses incurred as applicable will be assessed through provisions of the Section entitled "User Charge System".

19.2 Order to Cease Discharge Within a Time Certain.

In cases other than those defined above, the Administrator may issue an Order to Show Cause why an Order to Cease and Desist by a certain time and date should not be used. The proposed time for remedial action shall be specified in the Order to Show Cause. Such order may also contain such conditions deemed appropriate by the Administrator.

19.3 Order to Effect Pretreatment.

The Administrator may issue an Order to Show Cause why a User should not be required to pretreat in accordance with this Section.

- a. Any User subject to an order to pretreat shall prepare a plan to effect and achieve the pretreatment of its wastewater so that the same shall comply with the requirement of this Section. Such plan shall be submitted to the Administrator within a reasonable period specified in the pretreatment order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary as well as identify the measure which may be implemented without necessitating construction. The plan shall contain a schedule of compliance for the completion of each of the various phases necessary to implement full pretreatment, which schedule shall be approved by an order of the Administrator.
- b. A pretreatment plan shall include a schedule of compliance consisting of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with an effluent standard, or other prohibition or standard.
- c. The following steps or phases shall be included in the schedule of compliance where applicable and appropriate:
 1. Retain a qualified engineer and/or consultant.
 2. Obtain any engineering or scientific investigations or surveys deemed necessary.
 3. Prepare and submit a preliminary plan to achieve pretreatment.
 4. Prepare plans and specifications, working drawings, or other engineering or architectural documents which may be necessary to effect pretreatment.
 5. Establish a time to let any contract necessary for any construction.
 6. Establish completion times for any construction necessary.
 7. Establish a time limit to complete full pretreatment pursuant to the final order.
 8. In the event a phase or unit of construction or implementation may be effected independently of another phase or unit, establish separate timetables for such phase or unit.

19.4 Order to Perform Affirmative Action.

The Administrator may also issue an Order requiring a User to perform an action required under this Ordinance or any applicable regulation, and/or to submit samples; install sampling, metering, and monitoring equipment, submit reports; and permit access for inspection, sampling, testing, monitoring and investigation.

An Order issued by the Administrator shall contain the facts and grounds for its issuance and the remedial action ordered, together with the time within such action shall be taken. No such Order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and grounds for the order. If any User seems the content of the Order to contain insufficient information, it may request additional information from the Administrator; however, no request shall extend any time limit or defer any payment, except as hereinafter set forth.

In the event noncompliance with an Order is due to factors beyond the reasonable control of the User, as determined by the Township, such noncompliance shall not be in violation and such Order shall be modified to take account of these factors.

An Order shall be subject to amendment, change or revocation, provided notice of such action is served upon the User in the same manner as the original order and is subject to the same procedure for review and appeal.

SECTION 20. Private Sewage Disposal.

- 20.1** Where a public sewer is not available under the provisions of Section 4 of part 3, the building sewer shall be connected to an approved private sewage disposal system.
- 20.2** Before commencement of a private wastewater disposal system, the owner shall first apply to the Marquette County Health Department for a soil evaluation test. The fee shall be determined by the Marquette County Health Department, and shall be paid to the Marquette County Health Department. At completion of the above soil evaluation test showing positive results, the property owner shall apply for a Permit for Installation for the proposed wastewater system. The owner shall include plans, specifications and other information as deemed necessary by the Marquette County Health Department. At the time the application is filed, the fee determined by the Marquette County Health Department for the permit and inspection shall be paid.
- 20.3** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Marquette County Health Department. The Marquette County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Marquette County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven (7) days of the receipt of notice by the Marquette County Health Department. All persons receiving a permit for a private wastewater disposal system shall provide the Administrator with copies of all final approved inspection reports issued by the Marquette County Health Department.
- 20.4** The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Marquette County Health Department. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- 20.5** At such time as a public wastewater system becomes available to a property served by a private wastewater disposal system as provided in Section 4 of Part 3, a direct connection shall be made to the public wastewater system in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned for sanitary use and filled with a suitable material subject to inspection by the Township and/or applicable County Health Department.

- 20.6** The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the County or the Township.
- 20.7** No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

PART FOUR: SYSTEM CHARGES AND RATES.

SECTION 1. User Charge System.

1.1 Established, to Whom Applicable, Basis for Computations.

Rates and charges for the use of the wastewater system of the Township are hereby established as set forth in Schedule A of this Ordinance. Revision to the rates and charges may be made by action of the Township Board, which may be enacted apart from the published ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections with the wastewater system of the Township, or which may otherwise discharge sewage or industrial waste, either directly or indirectly into such system or any part thereof. Such charges shall be based upon the quantity of water used thereon or therein.

1.2 Amounts, Billings, Sewer Service Charges.

The rates and charges for service furnished by such system shall be levied upon each lot or parcel of land, building or premises, having any sewer connection with such system, on the basis of the quantity of water used thereon or therein as the same is measured therein used, or in the absence thereof, by such equitable method as shall be determined by the Township Board, and shall be collected at the same time, and in the same manner as provided for the payment of charges for water used, except in cases where the character of the sewage from manufacturing or industrial plant, building or premises is such that unreasonable additional cost of treatment created thereby shall be an additional charge over the regular rates hereinafter set forth; or the Township Board may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Township before discharging such sewage into the sewage disposal system. Rates for all Users obtaining all or part of their water supply from sources other than the Township water system may be determined by gauging or metering the actual sewage entering the system or by metering the water used by them, in a manner acceptable to the Township.

The rates to be billed for use of the System shall be as adopted by the Board.

1.3 Annual Audit.

The rates hereby fixed are estimated to be sufficient to provide for the expenses of operation, maintenance and replacement of the system as are necessary to preserve the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary by the Township Board to meet system expenses and to insure that all User classes pay their proportionate share of operation, maintenance and equipment replacement cost.

1.4 No Free Service.

No free service shall be allowed for any User of the Township's wastewater system.

1.5 Billing.

Billing for wastewater service shall be the Township's responsibility. All water meters shall be read monthly and bill rendered monthly.

1.6 Service Fee for Nonpayment.

If payment is not received or satisfactory arrangements have not been made by the 20th day of the month, an additional charge of 5% of the total unpaid balance shall be added.

1.7 Collection of Delinquent Accounts.

Unpaid charges for sewage disposal service furnished to any premises within the Township shall be a lien against the premises. Enforcement of this lien shall be made pursuant to Township Ordinance and/or statute. This lien remedy does not preclude any other remedy provided by law. Those premises outside the township that are served by the Township wastewater system that have delinquent bills will be certified to their governmental unit for collection as provided in the contract between the Township and the governmental unit.

1.7 Annual Notification.

All customers of the Township's wastewater system will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer bill into its components for operation, maintenance and replacement and for debt service.

SECTION 2. Connection Permit Fee (Tap-In Fee) (Hook-Up Fee).**2.1 Single-Family Dwellings.**

The connection charge for the single-family dwelling property owner connecting to the present system shall be a sum established by the Township Board.

2.2 All Other Properties or Units.

The connection permit fee for all other property owners connecting to the system, including but not limited to, multiple-family residential units, commercial and industrial units shall be as follows: Number of equivalent Users derived from Equivalent User Factor Table multiplied by the single-family dwelling connection permit fee = connection permit fee; provided, however, that the minimum connection permit fee shall not be less than the single-family dwelling connection permit fee.

SECTION 3. Equivalent Factors.

3.1 The Township does hereby adopt a Table of Equivalent Use Factors as set forth in Schedule A. This Table may be modified or amended from time to time by the Township Board.

3.2 Rules for Interpreting Table.

- a. Annual Review.** The equivalent units of Users having an equivalent unit factor of more than one shall be reviewed by the Township at least once a year, unless the equivalent unit factor of such User is changed by the Township Board prior to the commencement of the system's fiscal year.
- b. Annual Review of Industrial Users with Meters.** Where the Industrial User has been required by this Ordinance to install a meter in the absence of metered municipal water supply to register flow, the equivalent unit factor for purposes of determining the service charge of such user shall be reviewed and adjusted yearly to assure that the equivalent unit factor assigned said User is accurate.

SECTION 4. Expansion or Change Charge.

There shall be paid on behalf of each non-single family premises connected to the system, a fee at time of any change or expansion of use, for any change of use of any premises or expansion of use of any premises, the sum of the single-family dwelling connection permit fee multiplied by the factors provided for in the equivalent factor table.

SECTION 5. Construction Permit Fees.

- a. **Review Fee.** A fee equal to 2% of the estimated cost of the improvement will be submitted at the time of initial plan submittal as outlined in Part Three, Section 1 of this Ordinance.
- b. **Inspection Fee.** A fee as determined by the Township Board will be submitted prior to the issuance of a construction permit by the Administrator.

SECTION 6. Service Charges.

These charges are set forth in Schedule A and will be billed periodically in accordance with this Ordinance and are separate from, and in addition to the User charges. The specific charges will be established by the Township Board.

PART FIVE: FINANCING OF THE SYSTEMS.

SECTION 1. Fiscal Year.

The Wastewater System shall be operated on the basis of a fiscal year that coincides with the Township's fiscal year.

SECTION 2. Receiving Fund.

There is hereby established a Marquette Wastewater System Receiving Fund into which all revenues of the system after being set aside as collected, shall be deposited and shall be transferred from the Receiving Fund only in accordance with Sections 3 and 4 of this part.

SECTION 3. All Other Funds.

The following five funds are hereby established which shall be funded by the Receiving Fund established in Section 2 in the manner and at all times specified in this section.

- a. **Operation and Maintenance Fund.** Out of the revenues in the Receiving Fund there shall be first set aside at least quarterly and paid into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the 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. If any revenues are borrowed from any of the mentioned funds in this ordinance to pay any operation, maintenance and replacement charges an appropriate action will be taken to prevent a reoccurrence.
- b. **Contract Payment Fund.** There shall be established and maintained a depository account to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Township's obligations to the County of Marquette. There shall be deposited in said fund at least quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by other funds of the Township legally available for such purpose.
- c. **Replacement Fund.** There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into the fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board 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 Board shall determine.
- e. **Surplus Moneys.** Money remaining in the Receiving Fund as the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township Board, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonable related to purposes of this system.

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies and special assessment, shall be transferred to the Operation and Maintenance Fund to the extent of any deficit therein.

SECTION 4. Deposit/Investments.

All monies in all funds established in this part shall be kept in a depository account or accounts in an authorized banking institution. Completed records of the exact amounts in each fund and of all deposits, transfers, and investments shall be kept and a report shall be made to the Township Board at least quarterly or at the Board's request.

Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations provided in Act 94, Public Acts of Michigan, 1933, 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.

PART SIX: CONFLICTING ORDINANCES, PUBLICATIONS, SEVERABILITY, EFFECTIVE DATE.

SECTION 1. Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with any provision of the Ordinance are hereby repealed.

SECTION 2. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 3. Amendment.

This Ordinance may be amended by the Board from time to time by the same ordinance adoption procedure followed in the adoption of this Ordinance.

SECTION 4. Publication.

Within thirty days after the adoption of this Ordinance, this Ordinance shall be published in full in a newspaper of general circulation in Marquette Township.

SECTION 5. Effective Date.

This Ordinance shall become effective on July 1, 1991.

**ADOPTED DECEMBER 19, 2017 AND
EFFECTIVE JANUARY 1, 2018 BILLING**

**WASTEWATER SCHEDULE A
Charges, Rates, Fees, and Penalties**

I. USER CHARGES

A. Monthly Fixed Service Charge:

Meter size	Service Charge
Unverified, 5/8 inch, 3/4 inch	\$9.00
1 inch	\$22.50
1-1/2 inch	\$45.00
2 inch	\$72.00
3 inch	\$144.00
4 inch	\$225.00
6 inch	\$450.00
8 inch	\$990.00

B. Volume Rate:

\$11.83 per thousand gallons

C. Debt Retirement:

Debt Retirement

Wastewater Debt Retirement	
Meter Size	Debt Service Charge
Unverified, 5/8 inch, 3/4 inch	\$6.60
1 inch	\$16.50
1-1/2 inch	\$33.00
2 inch	\$52.80
3 inch	\$105.60
4 inch	\$165.00
6 inch	\$330.00
8 inch	\$726.00

II. CONNECTION FEE

A. Tap-In Fee:

1. Single Family Dwelling:	
a. With Prepaid Tap	\$ 500.00
b. Without Prepaid Tap	\$ 5,000.00

2. All Other Properties:	
a. With Prepaid Tap:	\$500.00 for first factor. \$200.00 for each factor thereafter.
b. Without Prepaid Tap:	\$5,000.00 for first factor. \$200.00 for each factor thereafter.

Equivalent Use Factor Table:

OCCUPATION USE	UNITS	UNIT FACTOR
Single Family Residence	1.0	Per Residence
Auto Dealers – New and/or Used	2.0	Per premise plus 0.25 per 1,000 sq. ft. of building, including service area
Auto Repair/Collision	2.0	Per premise plus 0.25 per 1,000 ft. of building, including service area.
Auto Wash (Coin Operated Do-It-Yourself 10 gal. or Less Per Car)	2.0	Per stall.
Auto Wash (Mechanical – Over 10 gal. Per Car – Not Recycled)	20.0	Per stall or production line, including approach and drying time.
Auto Wash (Mechanical – Over 10 gal. Per Car – Recycled)	10.0	Per stall or production line, including approach and drying time.
Barber Shop	2.0	Per shop plus 0.1 per chair.
Bar	8.0	First 1,000 sq. ft. plus 1.0 each 1,000 sq. ft. over the first 1,000 sq. ft.
Beauty Shop	2.0	Per shop plus 0.1 per booth
Bowling Alley (No Bar)	2.0	Per premise plus 0.2 per alley.
Churches	0.50	Per 1,000 sq. ft. minimum 1 unit.
Cleaners (Cleaning & Pressing Facilities)	2.0	Per premise plus 1.0 per 1,000 sq. ft.
Clinics (Medical or Dental)	2.0	Per premise plus 2.0 per 1,000 sq. ft.
Convalescent or Boarding	2.0	Per premise plus 1.0 per 1,000 sq. ft.

Homes		
Convents	2.0	Per premise plus 1.0 per 1,000 sq. ft.
Country Clubs & Athletic Clubs	2.0	Per 1,000 sq. ft. of clubhouse plus restaurant & bar.
Drug Stores	2.0	Per premise plus 1,000 sq. ft.
Factories (For Sanitary Wastes Only)	1.0	Per 1,000 sq. ft.
Funeral Home	2.0	Per 1,000 sq. ft., plus residence to be computed separately.
Grocery Stores & Supermarkets	2.0	Per premise plus 0.8 per 1,000 sq. ft.
Hospitals	2.2	Per bed.
Hotels and Motels	0.50	Per bedroom plus restaurant & bar.
Laundry (Self-Serve)	2.0	Per premise plus 3.0 per 1,000 sq. ft.
Two Family Residential	2.0	Per unit.
Mobile Homes (Free Standing)	2.0	Per unit.
Mobile Homes (Parks & Subdivisions)	2.0	Year round – per pad or site at indirect connection rate plus laundry community buildings and office to be computed separately per schedule.
Mobile Homes (Seasonal)	1.0	Per paid or site.
Multiple Family residence Duplex or Row Homes	2.0	Per dwelling unit.
Apartments	2.0	Per dwelling unit.
Fraternity or Sorority House	2.0	Per unit dwelling.
Professional Office	1.0	Per 1,000 sq. ft. – Minimum One (1)
Public Institutions	1.0	Per 1,000 sq. ft.

Restaurant (Meals Only)	5.0	Per 1,000 sq. ft. plus 1.0 per 1,000 sq. ft., after first 1,000 sq. ft.
Schools	2.0	Per classroom.
Service Stations	0.50	Per pump plus 1.0 per 1,000 sq. ft. of building area.
Snack Bars, Drive-In, Etc.	5.0	Per 1,000 sq. ft. plus 1.0 per 1,000 sq. ft. over first 1,000 sq. ft.
Retail Stores (Other Than Listed)	2.0	Per premises plus 1.0 per 1,000 sq. ft.
Theaters (Drive-In)	0.08	Per car space.
Theaters	0.04	Per seat.
Post Office	2.0	Per 1,000 sq. ft.
Warehouse and Storage	0.2	Per 1,000 sq. ft.
Veterinary Facility	2.0	Per facility plus 0.5 per 1,000 sq. ft.
Veterinary Facility with Kennel	2.0	Per facility plus 0.5 per 1,000 sq. ft.

B. Expansion/Change Charge:

\$100.00 for each factor.

III. CONSTRUCTION PERMIT FEE

A. Review Fee:

A fee equal to 2% of the estimated cost of improvements.

B. Inspection Fee:

Construction Cost	Inspection Fee
\$0 - \$2,500	\$150
\$2,500 - \$7,500	8% but not less than \$300
\$7,500 - \$15,000	6% but not less than \$600
\$15,000 - \$30,000	4% but not less than \$900
Over \$30,000	3% but not less than \$1,200

IV. SERVICE CHARGES/FEES

A. Wastewater Turn-Off:

1. During regular business hours, \$40.00 for each turn-off.
2. During non-business hours, \$65.00 for each turn-off.

B. Wastewater Turn-On:

1. During regular business hours, \$40.00 for each turn-on.
2. During non-business hours, \$65.00 for each turn-on.

V. DEPOSITS

No service shall be rendered to a premise until a deposit is made as security for payment of charges. The interest rate earned on township general checking account will be applied as a credit once a year, effective on deposits as of March 19, 2003. The security deposit charges are:	
Single-Family Residential:	\$50.00
Other Charges:	One month estimated bill for User Charge Fees.

VI. OTHER CHARGES/RATES/FEES/PENALTIES

A. Non-Sufficient Funds:

\$30.00 for each returned check.

B. Special Billing Request:

\$10.00 for each special billing procedure requested by customer.

C. Door Hanger Shut Off Notice:

\$ 20.00
