

ORDINANCE NO. 2018-1  
ELK RAPIDS TOWNSHIP  
SEWER USE AND RATE ORDINANCE OF 2018

To repeal Elk Rapids Ordinance No. 82-1, Sewer Use and Rate Ordinance of 1982 in its entirety and replace it with Ordinance No. 2018-1.

An ordinance regulating the operation, maintenance, design, construction and use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers; to prescribe limitations on the discharge of waters and wastes into the public sewer system; to set rates for sewer use services; and to establish remedies thereof, in Elk Rapids Township, County of Antrim, State of Michigan.

Be it ordained and enacted by the Elk Rapids Township Board as follows:

Section 1: Repeal of Elk Rapids Township Ordinance 82-1, Elk Rapids Township Sewer Use and Rate Ordinance of 1982. Ordinance 82-1 is revoked and repealed in its entirety.

Section 2: Adoption of new Ordinance 2018-1, Elk Rapids Township Sewer Use and Rate Ordinance of 2018. The following Ordinance is hereby adopted.

ARTICLE I

TITLE, FINDING OF NECESSITY AND DEFINITIONS

A. This Ordinance shall be known as the Elk Rapids Township Sewer Use and Rate Ordinance of 2018. A public sanitary sewage system is essential to the health, safety and welfare of the people of the Township. Failure or potential failure of septic tank disposal systems poses a menace to health, presents a potential for the transmission of disease, and for economic blight, and constitutes a threat to the quality of surface and subsurface waters of the Township. The connection of structures in which

sewage originates to an available public sanitary sewer system at the earliest reasonable date; the proper design, construction and use of public and private sewers and drains and private sewage disposal facilities; and protective limitations on the discharge of certain waters and wastes into the public sewer system; are all matters for the protection of the public health, safety and welfare and are necessary in the public interest, which is hereby declared.

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

1. "Biochemical Oxygen Demand" (B.O.D.) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20<sup>o</sup> C., expressed in milligrams per liter.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the sewage discharge from plumbing fixtures inside the walls of the building and conveys it to the building sewer. The building drain extends to a point 5 feet outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer wye or other place of connection to the publicly owned sewer facilities.
4. "Combined Sewer" shall mean a sewer receiving roof drainage, surface runoff and sanitary sewage.
5. "Debt Service Cost" shall mean those charges levied to meet principal and interest costs for monies borrowed to construct the waste water collection, treatment and disposal systems.
6. "Establishments: shall mean:
  - a. A structure or area designed or used for single family occupancy; regardless of whether it is a connected structure such as a duplex, flat or apartment.
  - b. Each lot in a mobile home park where permanent trailers are stationed. Transient lots are not separate establishments.
  - c. A group of four or less cabins, small efficiency apartments motel rooms, or accommodations in a rooming house operated as a transient facility is a single establishment. A combination

- of transient units and a residence used by the manager or owner, constitutes a minimum of two (2) establishments. Any unit rented on a daily or weekly basis is a “transient facility”.
- d. Each individual business, even though, it might be housed along with one or more other businesses in a single structure with a common landlord.
  - e. A combination of any of the above are each a separate establishment.
7. “Footing Drain” shall mean a buried pipe surrounding the building for the purpose of draining groundwater away from the building footing.
  8. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from handling, storage, and sale of produce.
  9. “Industrial Wastes” shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.
  10. “Infiltration/Inflow” shall mean water that enters the sewage collection system through broken or leaky pipes and manholes or through illegal roof or footing drains and catch basins connected to the sanitary sewer.
  11. “Inspector” shall mean a person designated by the Township to perform inspection work on public utility construction and private construction that affects public utilities.
  12. “Local Health Department” means the Health Department of Northwest Michigan, with headquarters located in Charlevoix, and with the Antrim County office in Bellaire.
  13. “Natural Outlet” shall mean any outlet into a watercourse, pond ditch, lake or other body of surface or ground water.
  14. “N.P.D.E.S. Permit” means the permit required by the National Pollution Discharge Elimination System, established by Federal Act 92-500, to control waste discharges to the surface waters of the nation.
  15. “Operation & Maintenance Cost” (O & M) shall mean those costs for personnel, materials and supplies expended to operate and maintain the Township and/or Village Sewage Works.

16. "Person" shall mean any individual, firm, company, association, society, corporation or group.
17. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.
18. "Pretreatment" shall mean a process for treating an industrial waste to the extent that it can be discharged to the public sanitary sewer without endangering the municipal sewage treatment system or the watercourse to which the treatment plant discharges its effluent.
19. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
20. "Property Lead" shall mean the pipe extending from the public sanitary sewer or local sewage pump stations in a street or right-of-way to the vicinity of the private property line.
21. "Public Sewer" shall mean a sewer for collection and transportation of sewage in which all owners of abutting properties have equal rights, and is owned and operated by a government agency.
22. "Residential Equivalent Unit" (REU) is a unit of measurement used to calculate the amount of water/wastewater that would be equivalent to use from a single family dwelling.
23. "Replacement Cost" shall mean those costs that are levied and set aside for the purpose of making major repairs and replacement to the sewage works.
24. "Revenues" and "Net Revenues" means the same as provided for in Section 3, Act 94, Public Acts of Michigan, 1933 as amended.
25. "Roof Drain" shall mean a system for collection of precipitation which falls on the building roof and includes roof gutters and downspouts.
26. "Sanitary Sewer" shall mean a sewer which carries Sanitary Sewage and to which storm, surface and ground waters are meant to be excluded.
27. "Sanitary Sewage" (wastewater) shall mean the liquid or water-carried wastes from sanitary plumbing facilities and characterized by

a composition typical of the wastes emanating from an average residential connection. Ground, surface and storm waters that may be present with the sewage are “infiltration and Inflow”, and are not considered sanitary sewage.

28. “Sewage Disposal Service” shall mean acceptance, transportation, collection, treatment and disposal of sanitary sewage.

29. “Sewage Treatment Plant” shall mean any arrangement of equipment and structures used for treating sewage.

30. “Sewage Works or System” shall mean all sanitary sewers, treatment plants, pump stations, and appurtenances, instrumentalities and properties, or parts thereof used or useful in connection with the collection, treatment and/or disposal of sanitary sewage. The word system, when used alone, shall be deemed to mean the sewage works or system of either the Township or the Village, as indicated by the context.

31. “Sewer Use Charge” means the fees billed to all customers attached to the public sewer for support of the costs of the sewage works. The user charges supply funds to cover the costs of O & M, debt service, replacement and administrative services.

32. “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, which exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration or flow rate during normal operation.

33. “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and most industrial wastes. Unpolluted industrial cooling water is an example of industrial waste acceptable in a storm drain.

34. “Superintendent” shall mean the Superintendent of Sewage Works of the Village of Elk Rapids or his authorized assistant, deputy, agent or representative. He shall be licensed as required by the State of Michigan.

35. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by standard laboratory filtering techniques.

36. "Township" means the Township of Elk Rapids; enacting this Ordinance.

37. "Township Sewer Districts" means those areas located in the Township of Elk Rapids, County of Antrim and State of Michigan; requiring waste water collection, treatment and disposal service, either independently or from the Village of Elk Rapids.

38. "Village" shall mean the Village of Elk Rapids, Michigan.

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

40. "Water Quality Standard" shall mean the maximum allowable amount of various foreign substances in the water to be discharged into a watercourse.

## ARTICLE II

### REQUIRED USE OF PUBLIC SEWERS

A. It shall be unlawful for any person to place, deposit, or permit to be placed or deposited upon public or private property within the Township of Elk Rapids, or in any area under the jurisdiction of said Township, any human or animal excrement, other objectionable waste, except as otherwise hereinafter provided, or as permitted by the Local Health Department. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of said Township, or in any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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

C. All establishments (structures) of any kind and character; used for human occupancy, employment, recreation or other purposes, in which there are toilet, kitchen, laundry, bathing or other domestic, industrial or commercial facilities generating sewage; and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, are hereby required at the owners expense to install suitable toilet and other plumbing facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 180 days after date of official published notice of availability of said public sewer in a newspaper of general circulation in the township, provided that said public sewer is within 200 feet of the property line. Provided, however, that upon a finding by the Local Health Department that sewage emanating from a structure is causing an immediate health hazard or public nuisance, the Township or the Local Health Department may require the connection to be made forthwith after notice to the owner of the property on which the structure is located. The notice may be given by first class or certified mail or by posting on the property. The connection of structures to a public sanitary sewer which are completed, or which are modified so as to become a structure in which sewage originates, after the date of installation of the

available public sanitary sewer shall be made not later than the time such structure or modified structure is completed and is available for use.

D. Any industry or structure discharging process flow to the sanitary sewer, storm sewer or natural outlet shall file the material listed below with the Township Clerk.

E. The Township shall require each person who applies for or receives sewer service, when the nature of the enterprise is such that industrial wastes are generated or where the wastes may create a potential environmental problem, to file the information listed below:

1. File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

2. Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural outlet (watercourse) or ground waters noted, described, and the waste source identified.

3. Reports of sample tests are to be filed with the Township Clerk and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods and on forms approved by the Township.

4. The names of all persons together with a statement of their qualifications who have specific supervision and control over waste treatment, process facilities, and other facilities affecting wastes.

5. Reports on raw materials entering the process or support systems, intermediate materials, final products, and waste by-products as those factors may affect waste control.

6. Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other wastes.

7. If any industrial process is planned to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Township, and be subject to approval.

F. Any industry that plans to discharge a process waste, that may pose a potential danger to public health, the environment, or the proper functioning of the sewage works downstream, the owner thereof, upon written notice from the Township, shall construct a permanent monitoring



structure at the point of discharge to the sanitary sewer, storm sewer or natural outlet.

1. The design of the structure shall be approved by the Township before installation.

2. The structure shall be constructed by the industry at their expense.

3. The monitoring station shall be maintained in good operating condition by the industry at their expense. Any break in the operation of the station will require a written report stating the reason for the stoppage and a schedule of repair.

4. Adequate access shall be maintained to the monitoring structure at all times to enable the Township to collect samples and flow records.

## ARTICLE III

### PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of Article II, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

1. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Local Health Department. The application for such a permit shall be made on a form furnished by the Health Department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by Health Department.

2. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Department official. He shall be allowed to inspect the work at any stage of construction.

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

B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed or abandoned after filling with suitable material.

C. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Department.

## ARTICLE IV

### BUILDING SEWERS AND CONNECTIONS

#### A. Permits

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township of Elk Rapids.

2. There shall be two classes of building sewer permits:

- a. For service to establishments discharging sanitary sewage.
- b. For service to establishments producing industrial wastes.

The owner or his agent shall make application on a special form furnished by the Township Clerk. The permit application shall be supplemented by any other information considered pertinent in the judgment of the Township or the Village.

Permit / inspection fees, as established by the Township and the Village shall be paid to the Township Clerk at the time the application is filed.

A permit shall be valid for a period of one year from the date of issuance. Upon application approved by the Township, a permit may be renewed for an additional one-year period. Installation shall be completed during the period the permit is valid. Additional fees shall be charged for each reinspection deemed necessary by the Township.

A permit for connecting to the sewer system may be denied by the Township or Village in the event there is insufficient capacity for transporting or treating the proposed sewage flow in any downstream facilities.

#### B. Cost

1. Responsibility for all costs and expense incidental to the installation, connection and future maintenance of the building sewer shall be the property owners. The owner shall indemnify the Township and Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

### C. Construction – General

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or Village, to meet all requirements of this ordinance.

3. The size, slope, alignment, materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Uniform Building and the State Plumbing Code. Procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice NO. 9 also shall apply.

4. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

5. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

6. The applicant for the building sewer permit shall notify the Village of Elk Rapids/or current maintenance company contracted by the Township at least 24 hours prior to the time when the building sewer is to be ready for inspection and connection to the public sewer. The entire building sewer shall be left uncovered until inspected, along with the connection, by the appropriate official for the Township.

7. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored as near as practicable to the original condition.

8. Abandoned or discontinued building sewers shall be bulk headed, capped or sealed in a manner to prevent leakage of liquids or gasses therefrom. The work shall be subject to inspection by the Township. All costs shall be the owner's. In the event that an owner refuses or fails for any reason adequately to bulk head, cap or seal an abandoned or discontinued building sewer, the Township, after notice to the owner by ordinary or certified mail may cause the work to be completed. All costs incurred by the Township shall be a lien upon the property and shall be assessed against the real property on the next succeeding Township tax roll.

#### D. Construction – Specification

1. Materials for building sewers and connections thereof to the public sanitary sewer shall meet the following specifications:

- a. No commercial or industrial building sewer shall be less than six (6) inches in diameter, minimum slope 1%.
- b. No residential building sewer shall be less than four (4) inches in diameter, minimum slope 2%.
- c. Except as provided in paragraph 2 below, building sewers and connections thereof to the public sewer shall be constructed to the following materials:
  - (1) PVC schedule 40 with chemical weld joint or minimum SDR-35 with elastomeric gasket joints.
  - (2) Where different pipe materials are to be joined together only manufactured adaptors made for that purpose shall be used.

2. Building sewers lying within 50 feet of a private water well or 200 feet of a municipal water well shall be constructed of special materials as specified by the Michigan Department of Public Health.

3. A building sewer shall be laid straight at a uniform grade. The slope of a building sewer shall be not less than that specified herein. Only long radius elbows shall be used for changing alignment. Cleanouts on long building sewers shall be installed at approximately 100 foot intervals, at locations where the alignment is changed, and where required by the Township or Village.

4. Connections to the public sewer shall be made only where wyes or risers are provided in the line. If a wye or riser is not available, the building sewer connection shall be subject to approval by the Township and installed with approved fittings by a licensed plumber. The Township may require that the licensed plumber making the installation post a performance bond and provide liability insurance in amounts as determined by the Township. All connections shall be made gas tight and water tight.

5. Where rock or hard clay excavation is required, a six inch sand or gravel bedding shall be placed around the pipe.

## ARTICLE V

### DESIGN AND CONSTRUCTION REQUIREMENTS FOR SEWAGE COLLECTION SYSTEMS

#### A. General

1. All plans for the extension of the public sewer system that require a permit for construction from the Department of Environmental Quality (DEQ) shall first be approved by the Township Engineer and the Township.

2. New public sewer systems or extensions shall not be placed in service until approved. Approval shall be contingent upon receipt of satisfactory test results and subject to receipt of "Record Drawings" within ninety (90) days. Building drain connections shall not be permitted until the public sewer is accepted by all of the affected agencies.

3. Any sanitary sewer which services two or more separate buildings or dwellings shall be a public sewer, unless the buildings are part of a singly owned commercial or industrial complex or a public complex where future division of ownership is not anticipated.

4. Combined sewer systems shall not be permitted.

#### B. Design Flows

1. Gravity sewer systems shall be designed on the basis of an average flow which shall include not less than seventy five (75) gallons per capita per day and the estimated additional flow from unusual industrial or commercial sources.

2. Generally, the sewers shall be designed to carry, when running full, not less than the following peak flows:

a. Lateral sewers – 400 % of average daily flow.

b. Trunk sewers – 260% of average daily flow.

3. When deviations from the foregoing per capita rates are demonstrated, a description of the procedure used for sewer design shall be included.

## C. Public Sanitary Sewers Specifications

1. All proposed sewer systems and extensions for existing systems within the Township or directly connected to the Township Sewage Works shall be planned and constructed in conformance with the latest editions of "Guideline for Elk Rapids Township Sanitary Sewer Systems", A.S.T.M. Specifications, W.P.C.F. "Manual of Practice No. 9" and "Recommended Standards for Sewage Works" (ten state standards).

2. The Township may reject any plans for sewer systems or any type of pipe or joint within its jurisdiction where the above referenced specifications are not met as a minimum.

## D. Plans

1. Five (5) sets of plans shall be submitted for review to the Township for all proposed public sewer systems or extensions. Plans that are completed to the Township Board Engineer's satisfaction shall be transmitted to the Village before submittal to the Michigan Department of Public Health for a construction permit. Each set of plans shall bear the embossed seal of the engineer who is responsible for the plans.

2. The following data shall be incorporated in the plans.

a. A location map indicating the  $\frac{1}{4}$  section in which the project is located and when more than one sheet is required for the plan, an overall project plan shall be provided.

b. Each plan sheet shall show; two bench marks, existing underground utilities on both plan and profile; profile including inverts, top of casting grades, gradient, length and drop connections; manhole number and elevation on both plan and profile; and the specified type of pipe, joint and stoppers for public and building sewers.

c. Existing sewer inverts must be field measured and shall be so designated on the plan, based on U.S.G. S. Datum. Basement or first floor elevations of establishments serviced shall be indicated.



- d. Proposed and existing elevation of curb or road, or ground above the sewer shall be shown on the profile.
- e. Easements required shall be designated on the plan for each run of public sewer.
- f. A chart listing riser locations, dimensions from manholes, length of the riser and depth at the property line.
- g. The following notes shall appear on the plans:
  - All construction and materials shall conform to Township current standards, specifications and details.
  - Infiltration for any section of sewers between manholes shall not exceed 50 gals./inch dia./mile/24 hours.
- h. Details of pipe bedding, building sewers, drop connections, bulk heads, manholes, manhole covers, and other appurtenances shall be submitted with the plans.

#### E. Completed Sewer Systems

1. No work shall be performed on existing sewer systems which would decrease the capacity of the system or would result in non-conformity with these regulations, except by written permission of the Township Board.
2. A bulkhead shall be installed at each outlet to an existing system, and shall not be removed until the new sewer has been accepted by the Township.
3. Sewer systems not having been previously approved as Township sewers may be accepted as Township sewers provided they meet all the general requirements of this regulation.
4. The Township Board may cause such tests on the completed sewer construction as they deem necessary. Television inspection of the system may be required. All costs of performing such tests shall be borne by the owner of the facility.

## ARTICLE VI

### USE OF THE PUBLIC SEWERS

#### A. Unpolluted Discharges; Where Allowed

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the state agency having jurisdiction thereof. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the state agency having jurisdiction to a storm sewer or natural outlet.

B. The following substances shall not be introduced into a publicly owned treatment works:

1. Pollutants that create a fire or explosion hazard in the publicly owned treatment works, including waste streams that have a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. S261.21 (1990).

2. Pollutants that will cause corrosive structural damage to the publicly owned treatment works. Discharges that have a pH lower than 5.0 shall not be discharged, unless the publicly owned treatment works is specifically designed to accommodate the discharges and has been approved by the approval authority.

3. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the publicly owned treatment works resulting in interference.

4. Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate or pollutant concentration that will cause interference with the publicly owned treatment works.

5. Heat that will inhibit biological activity in the publicly owned treatment works resulting in interference, and in no case heat that produces a temperature at the publicly owned treatment works of more than 40 degrees Celsius (104 degrees Fahrenheit), unless the approval authority, at the request of the publicly owned treatment works, approves alternate temperature limits as part of the approved program.

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the publicly owned treatment works in a quantity that may cause acute worker health or safety problems.

8. Any trucked or hauled pollutants, except at discharge points designated by the publicly owned treatment works, but only when trucked or hauled in compliance with the state and federal hazardous waste and liquid industrial waste laws.

C. No person shall discharge into any public sewage works, materials, waters or wastes which would interfere with the operation or performance of said sewage works or be in violation of the N.P.D.E.S. permit or other State and Federal regulations. Except as hereinafter provided in Paragraph D of this Article by specific limits, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

| Component            | Local Limit<br>[4]<br>(mg/L) |
|----------------------|------------------------------|
| BOD                  | 1654                         |
| TSS                  | 325                          |
| Fats, Oil and Grease | 100                          |
| pH                   | 6.5-9.0                      |
| Temperature (deg F)  | 32-104                       |
| Ammonia Nitrogen     | 2.2                          |
| Total Phosphorus     | 6.3                          |
| Arsenic              | 0.45                         |
| Cadmium              | 0.24                         |
| Chromium             | 43.51                        |
| Copper               | 1.13                         |
| Lead                 | 3.83                         |
| Mercury              | 0.00001                      |
| Molybdenum           | 1784.19                      |
| Nickel               | 5.57                         |
| Selenium             | 1.11                         |
| Silver               | 0.40                         |
| Zinc                 | 0.12                         |
| Cyanide              | 0.62                         |

1. Chlorine demand in excess of 15 mg/l.
2. A pH less than 6.5 and greater than 9.0 shall not be allowed.
3. Color as from, but not limited to, dyes, inks and vegetable tanning solutions shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.
4. Grease, oils, wax, fat, whether emulsified or not, in excess of 100 mg/l; or other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit shall not be admitted to the sanitary sewers.
5. Any pollutant regulated under the IPP rules and local limits established by the Village through resolution.
6. Inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.
7. Insoluble, solid or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshing, etc., shall not be admitted to sanitary sewers.
8. Noxious or malodorous gas such as, but not limited to, hydrogen sulfide, sulfur dioxide or oxides of nitrogen, and other substances capable of producing a public nuisance shall not be allowed.
9. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations shall not be allowed.
10. Wastes at a flow rate and/or pollutant discharge rate which is excessive over a short time period so that there is a treatment process upset and subsequent loss of treatment efficiency.

In addition to the above, the Township may add to or modify the list of prohibited discharges by Ordinance Amendment as needed. Any participant in the IPP program shall be notified of the modification in writing.

D. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, contain the substances or possess the characteristics enumerated in Paragraphs A and B of this Article, and which in the judgement of the Village or Township, may have a deleterious effect upon the sewage treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village and Township may:

1. Reject the wastes.
2. Require pre-treatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge.
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provisions of Paragraph I, of this Article.

If the Village and Township permits the pre-treatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Village and State of Michigan authorities, and subject to the requirements of all applicable codes, ordinances and laws, including Federal pre-treatment standards. This provision shall expressly apply to the acceptance of septage, holding tank waste, or pretreated wastewater.

E. Grease, oil, and sand interceptors shall be provided when in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Township, and shall be located as to be readily and easily accessible for cleaning and inspection.

F. Where pre-treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

G. 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, as outlined in Article II.

H. 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 “Federal Guidelines Establishing Test Procedures for Analysis of Pollutants”, 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 Village sewage treatment plant and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of an establishment is appropriate or whether grab sample or samples should be taken.

I. No Statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Township, Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Township and Village for treatment, subject to special payment therefore by the industrial concern, if the sanitary sewers and sewage treatment facility is capable of removing the waste to meet the water quality requirement.

## ARTICLE VII

### SEWER USE RATES

#### A. Rationale

1. It is recognized that use of the sanitary sewer collection system (System) requires payment of costs of providing the services of the System and the wastewater treatment plant. Such costs include not only the day-to-day operation and maintenance costs and the retirement of bond indebtedness, but also the costs incurred to construct and install the System components, the cost to undertake reasonably foreseeable repairs and replacement, the costs to administer the system, including clerical, engineering, attorney, accounting and other professional fees, etc. When the System components were designed and constructed, they necessarily needed to be sized to accommodate all foreseeably possible usage of the System from a premises and so the System is available to accommodate such reasonably foreseeable usage. Accordingly, certain charges are imposed regardless of actual usage while other charges recognize that those who actually make more use of the System should pay more.

2. User charges as established herein are based on the principle of imposing the cost of sewage collection, treatment and disposal directly upon the sources of sewage, so that each user pays its proportionate share. This is to be accomplished by keeping accurate records and reports of sewage works loadings, treatment results and costs.

The transportation and treatment costs for sewage originating in Elk Rapids Township will be borne completely by the users in the Township. An agreement will be established with the Village for sewage disposal services and provide sufficient income to Village forces to cover the actual costs of the services provided including the capital investment made by the Village on that portion of the treatment works reserved for Township users.

Township property tax revenues will not be used to support periodic sewer use charges.

3. The operation, maintenance, repair and management of the Township system shall be under agreement or contract with a capable firm or Municipality.

#### B. Rate Resolution

The rates, fees and charges for permits issued pursuant to this Sanitary Sewer Ordinance, and for connection to and use of the System shall be in such amounts as are established from time to time by resolution of the Township Board.

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

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

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

b. New Tap fees in amounts as are reasonably determined to cover the increased costs of permit insurance, inspection and enforcement. The increased costs are the result of increased work required in light of the owner's having to physically alter the Township's trunk line sewer in connecting the owner's building sewer to the Township's trunk line sewer (when, for example a "tee" or "wye" was not installed when the trunk line sewer was constructed), and the cost of enforcement.

c. Benefit fees in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs, oversize charges and repair and replacement of the System.

d. Readiness to serve charges or debt service charges based upon residential equivalent units (REU), meter size or other methodology as determined by the Township in amounts reasonably determined to be sufficient to



pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

e. Unmetered rates to be charged for sewage disposal services furnished by the System shall be a monthly cost per REU – Residential Equivalent Unit as defined in Table 1 of this Article.

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

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

h. Trunkage fees in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs, oversize charges and repair and replacement of the system.

3. The Township shall review the rates, fees and charges and adjust them as necessary to meet the requirements of this Article VII.

4. Special rates for miscellaneous or special services for which a rate has not been established shall be determined by the Township Board as necessary, by resolution.

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

### C. Permit Required

1. The cost for constructing a building sewer shall be borne by the property owner and shall require a permit before construction can commence. The cost of the permit shall be set by Township Board by resolution. Costs associated with restoring the public property, such as grading, site restoration, gravel material, asphalt, and other paving, shall be the responsibility of the property owner and/or his contractor or, should the Village or Township provide the service, reimbursed to the Village or Township on a time and materials basis.

2. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance of such sewer without first obtaining a written permit. A sewer permit must be obtained from the

Township office before any work can begin and a sewer permit fee must be paid before a permit can be issued.

3. When a new tap is required, the owner shall identify the contractor in his or her permit application, and provide proof that the contractor has comprehensive general liability insurance in the amount of at least \$1,000,000 per occurrence as well as a performance bond in favor of the Township in the amount of \$4,000.

#### D. Billing and Collection

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

2. Bills will be rendered at such intervals as are determined from time to time by resolution of the Township Board. Currently charges for all sewer service shall be billed and collected monthly, to be rendered on the first (1<sup>st</sup>) of the month and shall be immediately due and payable and they shall be paid without penalty up to and including the twentieth (20<sup>th</sup>) of the month.

3. Bills not paid by the due date shall bear interest at such rate and be subject to a rebilling fee or penalty charge of 5% of the current bill amount.

4. Service, installation, inspection, use and material rates, fees and charges, including late fees and interest due thereon, shall constitute a lien on the premises served from the date of such service, if these charges become delinquent. The Township official or officials in charge of the collection shall annually notify delinquent customers, not later than mid-October of each year, that the delinquent amount, if not paid by the end of October of that year, will be placed on the Township tax roll as a lien against the property. Such lien shall have the same priority and shall be collectible in the same manner as delinquent ad valorem real property taxes. If the Township is provided with notice in writing, including a copy of the lease of the affected premises, that a tenant is responsible for the sewer charge, the Township Board may require as a condition to rendering sewer services to such premises a cash deposit equal to service charges at current rates for three months (one quarter) as security for the payment of service charges.

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

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

#### E. Benefit Charges

1. Benefit charges shall be levied against each existing or new establishment when connected to the sewage system. Benefit charges will offset the depreciation and interest charges incurred by the Township or Township sewer customers since the inception of their respective Sewer Bond Retirement Obligations. This charge may also be used for oversize charges and repair and replacement costs of the System.

2. The Benefit charges shall be based on the number of Residential Equivalent Units (REU's), listed in Table No. 1 and the date when the actual connection is made to the Township Sewage Works. Benefit rates shall be in such amounts as are established from time to time by resolution of the Township Board.

**TABLE 1**  
**SCHEDULE OF RESIDENTIAL EQUIVALENT UNITS**

| <b>Use</b>   | <b>Single-family Residential Equivalent</b>                        |
|--|--|
| Apartments   | 1.0 per unit   |
| Apartments, Senior Housing (limited to those 55 and older), low income, subsidized housing | 0.5 per unit   |
| Auto dealers   | 0.30 per service stall   |
| Banks  | 0.50 per 1,000 square feet   |
| Bar  | 0.166 per seat   |
| Barber shops   | 1.0 per shop plus 0.10 per chair                                   |
| Bed and breakfast  | 0.25 per room plus 1.0   |
| Beauty shops   | 1.0 per shop plus 0.10 per chair                                   |
| Cabin (seasonal short term rental)   | 0.4 per bed  |
| Campground   | 0.4 per site served by sewer<br>0.3 per site general service bldg. |
| Car wash   | Attendant-operated 12.0 per lane<br>Coin-operated 1.0 per stall    |
| Churches   | 1.0 plus 0.10 per 1,000 sq. ft.                                    |
| Cleaners   | 1.5 per 1000 square feet, plus<br>2.0 per press                    |
| Clothing or shoe stores, men's or women's  | 0.50 per 1,000 sq. ft.   |
| Clinics, medical or dental   | 1.0 per doctor   |
| Convalescent or nursing homes  | 0.22 per bed   |
| Drapery or fabric retail store   | 0.50 per 1,000 sq. ft.   |
| Drugstore  | 0.50 per 1,000 sq. ft.   |
| Factories, exclusive of industrial waste   | 0.50 per 1,000 square feet plus<br>industrial process waste        |
| Fraternal organizations  | 1.0 per 1,000 sq. ft.  |

|  |  |
|--|--|
| Furniture store  | 0.25 per 1,000 sq. ft.   |
| Gift shop  | 0.50 per 1,000 sq. ft.   |
| Grocery store  | 1.0 per 1,000 sq. ft.  |
| Meat markets or produce markets  | 2.5 per 1,000 sq. ft.  |
| Hotels or motels   | 0.25 per unit plus restaurant, bar and meeting facilities at respective unit factors |
| Laundry, self-service  | 0.50 per washer  |
| Mobile home park   | 1.0 per trailer space  |
| Mobile homes 35 feet or less, when located in a licensed trailer park, leased on a year round basis, not over 280 square feet in size and located on a lot that could not accommodate larger sized mobile home | 0.50   |
| Motel units with complete kitchen facilities   | 0.50 per unit  |
| Office building  | 0.50 per 1,000 sq. ft.   |
| Restaurants, food and beverage   | 0.125 per seat   |
| Restaurants, food only   | 0.10 per seat  |
| Schools  | 0.67 per classroom   |
| Service stations   | 0.40 per fill up location  |
| Snack bars, drive-in restaurants   | 0.10 per seat and/or stall   |
| Stores, other than listed  | 0.50 per 1,000 sq. ft.   |
| Theatres, drive-in   | 0.008 per car space  |
| Warehouse  | 0.10 per 1,000 sq. ft.   |
| Single-family residence  | 1.0 per residence  |
| Two-family residence   | 1.0 per residence  |

3. All enlarged establishments will be subject to a revision in their benefit charge.

The benefit charge shall be paid in cash at the time of application for the building sewer permits.

#### F. Trunkage Fees

1. All premises connected to the Township sewer system, unless the premises have been included in a special assessment district to pay the cost of the sewer main and/or sewer collection system, shall pay a trunkage fee to help defray (either directly or indirectly) oversized costs, to help establish and grow the repair and replacement fund, and to offset some of the depreciation and interest charges incurred by the Township or Township sewer customers. Those premises included in a special assessment district where the special assessment was determined based on a fewer number of Residential Equivalent Units than will be served by the connection(s) shall pay a trunkage fee based on the increased number of Residential Equivalent Units to be served.
2. Trunkage fees may vary based on the location of the collection system into which the premises will connect. Thus, trunkage fees for premises connecting to the Maple Harbor collection system may pay a higher trunkage fee than premises connecting to a collection system in the Birch Lake area.
3. The Trunkage fee shall be established and adjusted from time to time by Township Board resolution.

G. Accounting Procedures – the Township Sewage Works shall be operated and managed on a March 1 to March 1 fiscal year basis corresponding to that of the Village of Elk Rapids. An annual audit will be performed each year to determine the actual cost of the variable elements of both the Village and Township Sewage Works. A review of this material by both governmental units will establish whether revenue receipts are sufficient to cover the actual costs of the services provided. If adjustments are necessary in the Township sewer use rate to cover

compensations to the Village or Township funds, they will be established and enacted before March 1 to provide sufficient revenue for the new fiscal year.

- H. Special Funds – the Township and Village agree that for services and funds required specifically by the Township Sewage Works, the Village will collect and remit to the Township Treasurer, periodically, monies to be distributed to those accounts listed in the Agreement. Township officials will present an annual budget and supplemental rate recommendation to the Village based upon its anticipated costs and the Village will incorporate this amount into the overall Township sewer rate fee schedule.

## ARTICLE VIII

### POWERS AND AUTHORITY OF INSPECTORS

A. The Township Supervisor, the Superintendent and other duly authorized employees of the township and the Village of Elk Rapids, after showing proper credentials and identification, shall be permitted to enter upon all properties in the Township for the purposes of inspection, observation, measurement, sampling, and testing of sewage flows in accordance with the provisions of this ordinance. The Township and Village representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers, facilities for waste treatment or natural outlet.

B. While performing the necessary work on private properties referred to in paragraph A above, the duly authorized representatives shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Township and Village representatives. The Township shall indemnify the owner, (company) against loss or damage to its property by its representatives and against liability claims and demands for personal injury or property damage asserted against the owner (company), growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the owner (company) to maintain safe working conditions.



## ARTICLE IX

### PENALTIES

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

B. Any person who shall continue any violation beyond the time limit provided for in Paragraph A of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person who shall willfully, maliciously or wantonly break, damage, destroy, uncover, deface, remove or tamper with any structure, appurtenance, pipe, valve, pumping station, monitoring station or other equipment or installation that is a part of the public sanitary sewer system in the Township, shall be guilty of a misdemeanor punishable by imprisonment in the County jail not to exceed 90 days, or by fine not exceeding five hundred dollars (\$500), or by both such imprisonment and fine.

D. Any person who shall intentionally make a false statement, representation or certification in an application for a permit or in any report or statement of information required under this Ordinance, or who with intent to deceive shall render inaccurate data from a monitoring device required to be maintained under this Ordinance, shall be guilty of a misdemeanor punishable by imprisonment in the County jail not to exceed 90 days, or by fine not exceeding five hundred dollars (\$500), or by both such imprisonment and fine.

## ARTICLE X

### CIVIL REMEDIES

A. Any person who in violation of Paragraph A of Article VI of this Ordinance shall discharge into the public sanitary sewer in the Township any storm or other uncontaminated or unpolluted waters as specified in said Section shall be liable for the cost of sewage treatment of the volume of such waters estimated to have been unlawfully discharged into the sanitary sewer. The annual charge for treatment of storm waters, ground water, roof runoff and subsurface drainage shall be based on the drainage area and rainfall records and the actual cost of sewage treatment.

B. The Township shall have the right to recover the full value of any losses, costs or damage resulting from any violation of this Ordinance in a civil action in a court of competent jurisdiction.

C. In addition to all other penalties and remedies for the violation of any provision of this Ordinance, the Township may commence an action in the circuit court for Antrim County for mandatory injunction to restrain the violation.

ARTICLE XI

VALIDITY

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

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

ARTICLE XII

ORDINANCE IN FORCE

A. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

B. This Ordinance offered by \_\_\_\_\_ and supported by \_\_\_\_\_ was passed and adopted by the Elk Rapids Township Board, State of Michigan, on \_\_\_\_\_ by the following votes:

Ayes \_\_\_\_: Namely: \_\_\_\_\_

Nays \_\_\_\_: Namely: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_

Dorance Amos, Elk Rapids Township Supervisor

\_\_\_\_\_

Shelley Boisvert, Elk Rapids Township Clerk