

## Chapter 193

### SEWERS AND SEWAGE DISPOSAL

#### ARTICLE I Sewage Disposal Systems

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[HISTORY: Adopted by the Township Board of the Charter Township of Rutland as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Municipal civil infractions — See Ch. 45.

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#### ARTICLE I Sewage Disposal Systems [Adopted 8-11-1993 by Ord. No. 39]

##### § 193-1. Purpose.

It is hereby determined to be desirable and necessary for the public health, safety, and welfare of the Township that public sewer service be provided within said Township with wastewater treatment from the wastewater treatment system operated by the City of Hastings in accordance with existing agreements between the Township and the City.

##### § 193-2. Management, operation and maintenance.

The operation and maintenance of the Township system shall be under the supervision and control of Rutland Charter Township with the exception that routine maintenance activities shall be performed by the City of Hastings pursuant to contract. The Township may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of rates and charges, and to assure the efficient management and operation of the system, and as are consistent with its contract with the City of Hastings.

**§ 193-3. Definitions.**

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

**ACCESSORY BUILDINGS** — Subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s), use of which is incidental to the use of the main building.

**BOD (BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

**BUILDING SEWER** — The extension from the building to the public sewer or other accepted place of disposal.

**CLASSES OF USERS** — The division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

- A. **RESIDENTIAL USER** — Any individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multifamily dwelling units, etc., that discharges only segregated waste or wastes from sanitary conveniences.
- B. **COMMERCIAL USER** — Any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic waste from sanitary conveniences.
- C. **INSTITUTIONAL USER** — Any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only segregated domestic waste or wastes from sanitary conveniences.
- D. **GOVERNMENTAL USER** — Any federal, state, or local governmental office or governmental facility that discharges only segregated domestic waste or wastes from sanitary conveniences.
- E. **INDUSTRIAL USER** — Any user of the system which is identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the "industrial user" class if it is determined that such user will discharge only segregated domestic strength wastes or wastes from sanitary conveniences.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**COMPATIBLE POLLUTANT** — Those pollutants which the wastewater system is or may be designed to produce or remove from wastewater in accordance with the City of Hastings NPDES permit.

**CONNECTION CHARGE** — The amount charged at the time, and in the amount hereinafter provided, to each house, building, or structure in which sanitary sewage originates per MCL § 333.12751, which requires a connection to the sanitary sewer as per this article. The charge is based upon the proportionate cost allocable to the use of such trunkage and treatment facilities associated with providing sanitary sewers and sewage treatment.

**DEBT RETIREMENT CHARGES** — Charges imposed as part of the monthly or quarterly user fee for the purpose of paying costs of retiring contracted debt.

**DIRECT CONNECTION** — The connection of an owner's house, building or structure to a sewer line or lines constructed as part of the original system, or to public lines constructed hereafter.

**DIRECTOR** — The Township Supervisor or his or her authorized representative.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking, dispensing, storage and handling of food, and from the handling, storage and sale of produce.

**GRAVITY SEWER** — Wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

**HYDRAULIC LOADING; HYDRAULIC IMPACT** — The effect of new or additional water flows upon a continuing system of transportation and/or treatment.

**INCOMPATIBLE POLLUTANT** — Any pollutant that is not a "compatible pollutant," as defined above in this section.

**INDIRECT CONNECTION** — A connection of an owner's house, building or structure made to a service stub which is a part of public sewer lines added to the system after its original construction, serving more than one property, the cost(s) of which was paid for from private funds.

**INDUSTRIAL OR COMMERCIAL WASTES** — The liquid waste from the place of the user's business, trade or profession.

**INFILTRATION** — Water other than wastewater that enters the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**INFILTRATION/INFLOW** — The total quantity of water from both infiltration and inflow without distinguishing the source.

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

**INSPECTOR** — Any person or persons authorized by the Township to inspect and approve the installation of sewers, including the inspection and approval of building sewers.

**LATERAL MAIN** — Any sewer line of the system to which a service stub connects or may be connected.

**Mg/l or mg/l** — Parts per million as used in referenced to quantitative analysis of water and wastewater (sewage).

**MICHIGAN DEPARTMENT OF NATURAL RESOURCES; MDNR** — The Michigan Department of Natural Resources or any other agency designated by Michigan State law to regulate matters pertaining to the environment.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**NEW CONSTRUCTION** — Any house, building, or improvement or any other structure in which sanitary sewage originates, which is constructed after the public sewer line to which such house, building, improvement or structure connects.

**NORMAL STRENGTH SEWAGE** — A sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

**NPDES PERMIT** — The permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the state.

**O, M, & R CHARGE** — The charge levied on all users of the system for the cost of operation and maintenance, including replacement and depreciation.

**OPERATION AND MAINTENANCE COSTS** — All costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform to all federal, state and local wastewater management requirements, and to assure optimum long-term management of the system. Operation and maintenance costs shall include replacement costs.

**OWNER** — The person responsible for the property taxes as shown on the current tax roll of the Township or a tenant or other party who may consent in writing to be responsible for the property in accordance with § 193-5L hereafter.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**pH** — The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

**PRESSURE SYSTEM; PRESSURE SEWER** — A sewer line in which sewage is transported solely by means of attached pumps and appurtenances.

**PRETREATMENT** — The application of physical, chemical and/or biological processes to reduce the amount of pollutants in or alteration of the nature of the pollutant properties in wastewater prior to discharging such wastewater into the wastewater system.<sup>1</sup>

**PROPERLY SHREDDED GARBAGE** — Garbage that has been shredded to such a degree that no particle shall be larger than 1/2 inch in any dimension and all particles can be carried freely in the wastewater under the flow conditions normally prevailing in the system.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

**REPLACEMENT COSTS** — Expenditures made during the service life to the system to replace equipment and appurtenances necessary to maintain the intended performance of the system.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

RESIDENTIAL EQUIVALENT USER FACTOR — A factor established for each type of user by Township Board resolution; it represents the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom as the ratio of other users thereto. It may be defined and/or determined from time to time by the Township.

REVENUES; NET REVENUES — Defined as set forth at Section 3, Act 94, Public Acts of Michigan, 1933, as amended.<sup>2</sup>

SANITARY SEWER — A pipe or system of pipes that conveys wastewaters from residences, commercial buildings, industrial plants, institutions, or other structures as a part of the wastewater collection system.

SERVICE STUB — All of the public sewer line from the system lateral main to the property line.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of sewage are:

- A. SANITARY SEWAGE — The combination of liquid and water-carried waste discharged from toilet and other sanitary plumbing facilities.
- B. INDUSTRIAL SEWAGE — A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
- C. COMBINED SEWAGE — Wastes including sanitary sewage, industrial sewage, stormwater, and infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

SEWAGE TREATMENT FACILITY — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS (SYSTEM) — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SHALL; MAY — "Shall" is mandatory, "may" is permissive.

SLUG — Any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hours' concentration during normal operation.

STORM DRAIN (sometimes termed "STORM SEWER") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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2. Editor's Note: See MCL § 141.103.

**SUSPENDED SOLIDS** — Solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.

**SYSTEM or THE SYSTEM** — The complete facilities of the Township sewage disposal system, including, but not limited to, such facilities located within the Township, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used or useful in the collection and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be made.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; USEPA** — The United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment.

**USER FEE** — The monthly charge to owners of any house, building or structure served by the system. User fees consist of O, M, & R charges plus any authorized debt retirement charges.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

**WYE BRANCH** — A local service connection to the sewer that is made an angle similar to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

#### **§ 193-4. Connection.**

- A. Permit to connect generally. Permits for connections to sanitary sewers shall be issued by such person as shall be designated by the Township. Such a permit shall not be issued until all assessments due and the charge for sewer connections have been paid as provided for herein and until the Director has determined there is capacity available for the wastewater to be discharged in system facilities and the wastewater treatment plant, including capacity for compatible wastes. The Director may require a compatibility study at the expense of the user to demonstrate to the satisfaction of the Director that the wastewater to be discharged is compatible with and will not adversely affect the wastewater system.
- B. Building sewer permits.
  - (1) There shall be two classes of building sewer permits:
    - (a) Residential permits.
    - (b) Commercial permits, including industrial, governmental, and institutional usage.
  - (2) In either case, the owner or his or her agent shall make application on a special form furnished by the Township. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director, and/or the Township's engineers. The permit fee shall be

determined from time-to-time by the Township, by resolution, based upon Township costs incurred for such inspection and permit handling.

- C. Costs to be borne by owner. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the Township and the City of Hastings from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Separate sewer for every building; exceptions. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions may be allowed only by special permission granted by action of the Township. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the public sewer.
- E. Work on sewer system; permit, bond, insurance required. No one shall uncover, make any correction with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Township. Before a general license or particular permit may be issued for excavating, plumbing or drain laying in any public street, way or alley, the person applying for such permit shall execute unto the Township and deposit with the Township a bond with corporate surety in a sum to be determined by the Township conditioned that he or she will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established by the Township pertaining to sewers and plumbing. This bond shall state that the permit will indemnify and save harmless the Township and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this article. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide public liability insurance for the protection of the Township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injuries per accident, and \$50,000 for property damages.
- F. Installation and pipe specifications. The building sewer shall be constructed using methods and types of pipe meeting the written requirements of the Township at the time of connection.
- G. Excavations; pipe laying. Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Township. Pipe laying and backfill shall be performed in accordance with the

current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Township inspector and state and local inspectors as otherwise may be required.

- H. Lifting sewage by artificial means. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. Costs for installation and connection shall be borne by the owner.
- I. Pressure system requirements. Lift pumps must meet Township specifications in a pressure system serving more than one user.
- J. Connection to public sewer. The connection of the building sewer into the public sewer shall be made at the "wye" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated wye branch in the main sewer shall be made only as authorized by the Township.
- K. Inspection. The applicant for the building sewer shall notify the Township when the building sewer is ready for inspection and connection to the public sewer.
- L. Excavations; regulations. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and other public bodies having jurisdiction over such matters.
- M. Connections allowed only if capacity available. No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional BOD and suspended solids loadings. Determinations of such hydraulic impact are made by the Township's engineers and subject to approval of the Department of Natural Resources of the State of Michigan and of the City of Hastings, pursuant to contract.
- N. Connections. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or easement boundary line whenever possible for any house, building or structure to connect to the system. The Township (or, to the extent required by contract, the City of Hastings) shall maintain the public sewer so described. Those persons making connections at the time of original construction of the public sewer shall install, at their own expense, that portion of the building sewer from said lot or easement line to said house, building, or property. The owner shall maintain said building sewer at his or her own expense.
- O. Connection to sewer; disconnection of private facilities. At such time as connection shall be made to the public sewer, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as may be required by the State Health Department, County Health Department, or the Township.
- P. Disconnection of service. Applications for connection permits may be canceled and/or sewer service disconnected by the Township or by the City of Hastings after notice to the

Township Supervisor for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- (1) Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the sewage works.
- (2) Unsafe or improper construction methods as determined by the Township or other regulatory agency.
- (3) Failure or refusal to keep building sewers in a suitable state of repair.
- (4) Nonpayment of bills or charges.
- (5) Violation or attempted violation of any provision of this article or of any rule or regulation promulgated by the Township or the Director, or failure to appear at a hearing under this article when required.

Q. Interceptors. Grease, oil, sand or other interceptors shall be provided at the owner's expense when, in the opinion of the Township's engineers, they are necessary for the proper handling of liquid waste containing grease in the excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be properly maintained and operated by the owner and shall be of a type and capacity approved by the Township's engineers, shall be subject to approval by state or local plumbing code inspectors, and shall be located as to be readily and easily accessible for cleaning and inspection. Proof of proper maintenance and operation may be required by the Township.

R. Extensions of the public sewer. (Indirect connection) sewer extensions to the public sewer require the following:

- (1) Certified submittal of plans and specifications to the Township.
- (2) Approval of Township Engineer.
- (3) Approval of construction contract by Township.
- (4) MDNR permit to construct.
- (5) Payment of Township expenses as related to said sewer extensions, as provided for by said construction contract.

**§ 193-5. Rates; connection fee; user fee.**

A. Purpose. The rates charged users are estimated to be sufficient to provide for the payment of the expenses of administration and operation, and for such expenses for maintenance of said system are necessary to preserve the same in good repair and working order; to provide for the payment of the contractual obligations of the Township to the City of Hastings pursuant to contract; and to provide for such other expenditures and funds for said system as this article may require. Such rates shall be fixed and

revised from time to time by Township Board resolution as may be necessary to produce these amounts.

- B. User classes. All users of the system will be included in a user class, and each user class will pay for its proportionate share of the use of the system in terms of volume and pollutant loading. Sewer use charges (user fees) are levied to defray the cost of operation, maintenance, replacement (including depreciation), and if authorized, debt retirement of the system. The classes of users, for the purpose of determining the user charges, shall be as defined in this article, § 193-3, Definitions.
- C. Sewer use charges. Sewer use charges to each single-family residential premises shall be in the amounts established by ordinance of the City of Hastings in accordance with the Township's contract with the City, plus such additional amount(s) as are necessary to defray expenses referred to in this article. Rates for service shall be established by Township Board resolution.
- D. Connection fee payments, how computed. Each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewer use by such user to normal single-family residential use, as established by Township Board resolution.
- E. Connection charges. Each person desiring to connect to the system shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amounts given below:
  - (1) Direct connection. For each house, building, or structure connecting directly to the lines of the system, there shall be charged a connection fee established by Township Board resolution; provided, however, that a credit may be taken on said direct connection charge equal to the sum, if any, specially assessed against the property by the Township for the purpose of defraying part of the cost of the system, providing the credit has not been previously used against another connection charge.
  - (2) Indirect connection. For each house, building, or structure connecting indirectly to the system there shall be charged a fee established by Township Board resolution. Indirect connection fees defray proportionate shares of necessary oversizing of the treatment facilities, trunks and pumping stations.
- F. Payment of connection charges. Connection charges shall be due and payable in cash upon application for connection to the system; provided, however, that said fees for other than new construction may be payable in equal installments plus interest to be paid annually on the unpaid balance at interest rates and/or terms established by Township Board resolution. All installment agreements shall be in writing and shall be payable over a period of not more than 10 years, as may be determined from time-to-time by the Township Board.
- G. Industrial users; normal strength sewage. Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Township in amounts based on the actual waste volume and strength from such user as stated elsewhere in this article.

- H. Industrial users to pay proportionate share. Each industrial user shall pay the proportionate share of the operation, maintenance and replacement/depreciation costs of the system that are allocable to the treatment of said user's industrial wastes.
- I. Sewage exceeding normal strength.
- (1) Each user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either:
    - (a) Provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or
    - (b) Pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage."
  - (2) Where pretreatment is required, all standards of the City of Hastings concerning pretreatment shall be satisfied prior to discharge.
- J. Special rates. For miscellaneous services or where a premises receives sewer service for which a special rate need be established, such rates shall be determined by the Township by resolution.
- K. Delivery of bills. All bills and notices relating to the conduct of the business of the Township and of the sewage works will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Township. The Township shall not otherwise be responsible for delivery of any bill or notice, nor will the person be excused from nonpayment of a bill or from any performance required in said notice.
- L. Billing.
- (1) Bills for service will be rendered by the City of Hastings in accordance with its standard policies.
  - (2) All bills shall be payable without penalty within 30 days after the date thereon. Payments received thereafter shall bear a penalty of 5% of the amount of the bill.
- M. Enforcement. The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended,<sup>3</sup> are made a lien on all property served thereby, and whenever any such charge against any piece of property shall be delinquent for six months, the Township or officials in charge of the collection thereof shall certify annually on August 1 of each year to the Tax Assessing Officer of the Township the facts of such delinquency, whereupon such charge including penalties shall be by him or her entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided by said Section 21,<sup>4</sup> no further service shall be rendered such property until a cash deposit

3. Editor's Note: See MCL § 141.121.

4. Editor's Note: See MCL § 141.121.

equal to six months' service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Township shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Township by court action, together with such attorney fees and costs as authorized by law.

- N. Reestablishing service; deposit required. In addition to the foregoing, where the sewer service supplied to a house, building, or structure has been discontinued for nonpayment of delinquent bills, the Township reserves the right to require by resolution that a sum be placed on deposit with the Township for the purpose of establishing or maintaining any customer's credit.
- O. Appeals. Any person has the right to appeal the basis for any charges developed in accordance with this article. Appeals shall be directed to the Township along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal shall be obtained by said person at his or her expense. Resolution of appeals shall be made within 30 days by action of the Township after receiving written recommendation from the Director in accordance with best available data and the formulations presented in this article. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force throughout the system. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Upon resolution of the appeal, the Township shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.
- P. Audit review; adjusting charges. The Township Clerk shall review the annual Township audit and, if necessary, recommend adjustments in rates at least annually to the users of the system in accordance with applicable USEPA regulations and contracts with the City of Hastings.
- Q. No free service. No free service shall be furnished by said system to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.
- R. Interruptions of service. The Township shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the system, all persons affected by such interruption will be notified in advance whenever it is possible to do so.

#### § 193-6. Revenues.

- A. Depository funds. The revenues of the system (excluding collections of special assessments for the system) shall be set aside, as collected and deposited in a separate depository account in a bank duly qualified to do business in Michigan, in an account to

be designated "Sewer System Receiving Fund" (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified. Collections of special assessments for the system shall not be deposited in the Receiving Fund or the Operation and Maintenance Fund but shall be deposited in the Contract Payment Fund.

- (1) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
  - (2) Contract Payment Fund. There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the payment of the Township obligations to the County of Barry pursuant to contracts for payment of bonds issued to finance the costs of system facilities. There shall be deposited in said fund the collections of special assessments imposed by the Township to defray part of the costs of system improvements which may be financed by bonds issued by the County of Barry plus, to the extent necessary to meet contract obligations, connection charges received by the Township for connections to said system improvements which were financed by the aforementioned bonds. Should the connection charge revenues from connection within the Township, together with the Township special assessment collections, prove insufficient to pay the Township contractual obligations when due, such revenues may be supplemented by any other funds of the Township legally available for that purpose.
  - (3) Replacement Fund. There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the system as needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township shall deem necessary for this purpose.
  - (4) 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 shall determine.
- B. Surplus monies. Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township, be transferred to the Improvement Fund or used in connection with any other project of the Township reasonably related to purposes of the system.
- C. Bank accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth.

- D. Transfer of funds. In the event that monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.
- E. Monies may be invested. Monies in any fund or account established by the provisions of this article may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended.<sup>5</sup> 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.
- F. Operating year. The system shall operate on the basis of an operating year commencing on January 1 and ending on the last day of December next following.

**§ 193-7. Hardship application.**

- A. Basis for application. The owner or owners of a single-family residence, in which residence said owner or owners reside and upon which a connection charge has been imposed, may submit a hardship application to the Township Board seeking a deferment in the partial or total payment of the connection fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:
  - (1) The owners of the premises shall, under oath, complete a hardship application provided by the Township, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than 60 days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
  - (2) Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
  - (3) An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
  - (4) In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed,

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5. Editor's Note: See MCL § 141.101 et seq.

and in doing so, shall require an annual filing of financial status by each applicant, providing that, upon a material change of financial status of an applicant, said applicant shall immediately notify the Township Clerk so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

- (a) A change in the financial status of any applicant which removes the basis for financial hardship;
  - (b) A conveyance of any interest in the premises by any of the applicants, including execution of a new security interest in the premises or extension thereof;
  - (c) A death of any of the applicants.
- (5) Upon a determination of the Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, and such other documents deemed necessary to secure the payment guaranteeing payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this article.

**§ 193-8. Other conditions of disposal.**

- A. Septic tank unlawful; exceptions. Except for facilities approved by the County Health Department, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of wastewater within the Township after the effective date of this article.
- B. Depositing sewage upon property unlawful. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the Township or in any area under the jurisdiction of the Township, any human or animal excrement, garbage, or objectionable waste.
- C. Discharging untreated sewage unlawful. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with all applicable provisions of local, state and federal regulatory agencies.
- D. Discharge of unpolluted drainage to system unlawful. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer of the system.
- E. Private system regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

- F. Additional requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the State of Michigan or the United States, including but not limited to the Michigan Department of Public Health or the Michigan Department of Natural Resources.
- G. Old building sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township, to meet all requirements of this article and other applicable building codes.
- H. Prohibited discharging. No person shall convey, deposit or cause or allow to be discharged, conveyed, or deposited into the wastewater system any pollutant other than a compatible pollutant which the system expressly agrees to accept from a user or any wastewater containing any of the following:
- (1) BOD in excess of 200 mg/l.
  - (2) COD in excess of 450 mg/l.
  - (3) Chlorine demand in excess of one mg/l.
  - (4) Any pollutant which imparts a color to the wastewater in the wastewater system, which color cannot be removed by the system's treatment process or which is prohibited by the NPDES.
  - (5) Liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion. Such prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, and carbides.
  - (6) Garbage not properly shredded (no particle size greater than 1/2 inch).
  - (7) Grease, oil, wax, or fat, whether emulsified or not, in excess of 150 mg/l, or other substances which may solidify or become viscous at temperatures between 0° C. and 65° C. at the point of discharge into the wastewater system, or concentrations or amounts of oil or grease from industrial facilities violating pretreatment standards.
  - (8) Radioactive wastes or isotopes unless their disposal via wastewater is authorized by federal, state and local regulations, and then only when discharge into the wastewater system does not cause damage or a hazard to the system, the persons operating the system, or the general public or concentration which may exceed limits established by applicable state and federal regulations.
  - (9) Wastes of a temperature less than 3° C. (37.4° F.) or greater than 65° C. (149° F.).
  - (10) Solids, liquids, or gases from processes employed in the user's business, trade or profession which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for maintenance or repair.

- (11) Any toxic substances in amounts which cannot be handled by the system or which exceed standards promulgated by the USEPA pursuant to Section 307(b) of the FWPCA, or toxic substances included in any regulations of the MDNR which identify and prohibit discharge of toxic substances into the water of the state.
- (12) Any pollutant which deleteriously affects the wastewater system or process, or any pollutant which is regulated by the NPDES permit issued to the City of Hastings and which will pass untreated or unaffected by the treatment system.
- (13) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the wastewater system such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, fleshings or entrails.

I. Limitations on wastewater discharging.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding Subsection H, and which in the judgment of the Director or the Engineer for the City of Hastings may deleteriously affect the wastewater system or carry through the system untreated any pollutant regulated by the NPDES permit issued to the City of Hastings; or constitute a hazard to human or animal life or to any watercourse receiving the treated effluent of the wastewater system; or violate any pretreatment standards hereinafter established; or cause the wastewater system to violate the NPDES permit or other applicable receiving water standards, the Director or the engineer for the City of Hastings may:
  - (a) Reject the wastes and/or refuse to accept the waters or wastes into the system;
  - (b) Require pretreatment to an acceptable condition for discharge into the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover added cost of handling and treating the wastes not covered by existing sewer use charges.
- (2) If the Township permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Township and subject to the requirements of all applicable codes, ordinances and laws. The property owner shall not commence construction of such facility until he or she has obtained such approvals in writing from the Director and appropriate state agencies and the City of Hastings.

J. Preliminary treatment facilities. Where preliminary treatment or 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 or her own expense.

- K. Control manholes. When required by the Township, the owner of any property serviced by a building sewer carrying industrial or other 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 a manhole or manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Township and appropriate state agencies and the City of Hastings. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
- L. Sampling; water analyses. All measurements, tests, analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with the most recent edition of "Standard Methods of the Examination of Water and Wastewater" and shall be determined upon samples taken from the control manhole or other necessary locations. Samples shall be carried out by customarily accepted methods to reflect the effect of constituents upon the system and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Township and the City of Hastings pursuant to contract.
- M. Commercial waste hauling regulation. Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the public sewer system except as authorized by the Township and the City of Hastings.
- N. Special arrangements for treatment. No statement contained within this section shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength and/or character may be accepted by the Township and the City for treatment, subject to payment therefor by the industrial concern.
- O. Inspection. Agents of the City of Hastings, Township, Michigan Department of Natural Resources, the U.S. Environmental Protection Agency and other related local, state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage system by any user, such metering to be in the discretion of and at the cost of the Township.
- P. City of Hastings standards. Notwithstanding anything in this article, all users shall comply with standards of the City of Hastings concerning wastewater disposal and use of the system, and the Township is authorized to implement said standards by published rules and regulations from time to time.

**§ 193-9. Industrial waste treatment.**

- A. Discharging industrial wastes; requirements. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Township, and the Township may also require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem as determined by the Township's engineers to file the documents listed below:
- (1) A written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of waste discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
  - (2) A plan map of the building, works or complex, with each outfall of the surface waters, sanitary sewer, storm sewer, natural watercourse, and/or groundwater noted, described and the waste stream identified.
  - (3) Sample, test and file reports with the Township and the appropriate local and state agencies on appropriate characteristics of waste on a schedule, at locations, and according to methods outlined in this article.
  - (4) An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
  - (5) A report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products, as those factors may affect waste control.
  - (6) Records and file reports on the final disposal of specific liquid, solids, sludge, oil and radioactive material, solvent or other waste.
  - (7) If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Township subject to approval.
- B. Industrial representative; duties. One person from each industrial user shall be designated by the user (subject to approval by the Township) to be responsible for industrial wastes admitted to the system. He or she shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he or she shall be involved with prevention of accidental discharges of process wastes admitted to the system. He or she must become aware of all potential and routine toxic wastes generated by his or her industry. He or she must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the system.
- C. Catalog of chemicals; discharges. The industrial representative shall catalogue all chemicals stored, used or manufactured by his or her industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the

sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made, including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Director and shall be treated as confidential information.

- D. Process alterations. The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years, one year, two years, five years. He or she should consult with management to determine if such alterations are scheduled and forthcoming.
- E. Plant layout sketch. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.
- F. Pretreatment. There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed herein, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner, such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the system.
- G. Secondary containment. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.
- H. Sampling. An adequate sampling vault or manhole must be provided in a fully accessible place for Township and/or City of Hastings 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 streams. Should the Township or City of Hastings desire continual flow recording over a long duration, or twenty-four-hour composite sampling, then a more complex manhole would be mandatory, complete with 110-volt AC.
- I. Costs: surveillance fee; surcharge. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices

and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

- J. Unpolluted drainage where discharge allowed. Storm sewer and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state and local agency, to a storm sewer or natural outlet.
- K. Industrial cooling water containing pollutants. Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids, shall be treated for removal of the pollutants and then discharged to the storm sewer.
- L. Pretreatment facilities. All major contributing industrial users shall pretreat any pollutant in its wastewater which may interfere with, pass through untreated, reduce the utility of municipal sludge, or otherwise be incompatible with the treatment works. Pretreatment of such pollutants shall be in accordance with Section 307 of Public Law 92-500, 40 CFR 403, and as determined by the Director in accordance with the standards of the City of Hastings. All owners of and source to which pretreatment standards apply shall be in compliance within the shortest reasonable time, but not later than the date of compliance required by 40 CFR 403 or the date established by the Director, whichever first occurs. All such owners shall submit to the Director semiannual notices (on April 1 and on October 1 each year) regarding specific actions taken to comply with such standards.

#### **§ 193-10. Protection from damage.**

- A. Damaging system prohibited. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the system.
- B. Interruption of service. The Township and the City of Hastings shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any option of a payment refunded for any interruption.

#### **§ 193-11. Inspections.**

- A. Inspection. Any house, building, or structure receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Township and the City of Hastings.
- B. Authority of inspectors; limitations. The Director and other duly authorized employees of the Township or the City of Hastings, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Director or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond

that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

**§ 193-12. Connection to system.**

- A. It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the Township and that all premises on which structures in which sanitary sewage originates or are situated shall connect to the system at the earliest reasonable date as a matter for the protection of the public health, safety and welfare of the Township. Therefore, all premises on which structures are situated or become situated and from which sanitary sewage originates and as to which sewer services of the system shall be available within 200 feet shall connect to said system as follows:
- (1) Structures or premises emitting sewage prior to sewer services becoming available shall connect within 18 months from the date of notice of such availability by the appropriate Township official or its agent.
  - (2) Structures or premises which began emitting sewage after a public sewer line was constructed shall connect prior to emitting sewage.
- B. Said notification and enforcement of this section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972, as amended.<sup>6</sup>

**§ 193-13. Violations and penalties.**

- A. Written notice of violation. Any person violating any provision of this article may 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 as determined by the Township. However, proceedings to enforce this article may be commenced without such written notice.<sup>7</sup>
- B. Violators liable for penalties levied against Township. Any business, industry or person violating any of the provisions of this article, which results in fines or penalties being levied against the Township or the City of Hastings, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in § 45-6, Enforcement; Schedule of Fines, of this Code.

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6. Editor's Note: See MCL § 333.12751 et seq.

7. Editor's Note: Original Sec. 13, Subsection B, Penalties, violations declared nuisance, as amended 8-8-2001 by Ord. No. 2001-84, which previously followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).