

TITLE V: PUBLIC WORKS

Chapter

50. SANITARY SEWAGE DISPOSAL SYSTEM

CHAPTER 50: SANITARY SEWAGE DISPOSAL SYSTEM

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE PUBLIC SANITARY SEWER. A public sanitary sewer line located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property or easement to the property and passing not more than 300 feet at the nearest point from a structure in which sanitary sewage originates.

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

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of walls of the building and conveys to the building sewer, beginning five feet outside inner face of the building wall.

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

COMBINED SEWER. A sewer receiving both storm water and sewage.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

DOMESTIC WASTE. The waste originating mainly from residential sources.

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

GROUND WATER. The water beneath the surface of the ground, whether or not flowing through known or definite channels.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source, into the public sanitary sewer system (including holding tank waste discharged into the system).

INDUSTRIAL USER. A source of industrial waste.

INDUSTRIAL WASTE. Liquid waste, solids or semi-solids from industrial processes as distinct from domestic waste.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the system, its treatment processes or operations, including without limitation, the use or disposal of treated water or the use or disposal of sludge; or which causes any violation of any requirement of the ground water discharge permit issued pursuant to the Prevention and Abatement of Water Pollution Act, Act 222 of 1949, being M.C.L.A. §§ 323.101 through 323.103, as amended, and the administrative rules promulgated pursuant thereto.

MAY is permissive.

MDEQ. The Michigan Department of Environmental Quality, or its successor.

MDPH. The Michigan Department of Public Health, or its successor.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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

OPERATION AND MAINTENANCE. The satisfactory provision for assuring proper and efficient functioning of the treatment works.

PERSON. Any individual, firm, municipality, company, association, society, corporation, partnership or group, including their officers and employees.

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

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION. The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods that have been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch in any dimension.

PUBLIC SANITARY SEWER SYSTEM or SYSTEM. The township sanitary sewage treatment system, including all collection lines, trunk sewers, interceptors, pump stations, lift stations, manholes, the wastewater treatment facility and all appurtenances thereto.

PUBLIC SEWER. A sewer owned and controlled by the township.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which the works were designed and constructed.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SHALL. Mandatory.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface or, is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOWNSHIP. The Township of Yates, Lake County, Michigan or where appropriate, Township Board or other duly authorized official representative of the township.

TREATMENT FACILITY. The portion of the public sanitary sewer system designed to provide treatment to wastewater.

SYSTEM. The public sanitary sewer system.

USER. Any person, who contributes, causes or permits the contribution of wastewater into the township's public sanitary sewer system.

USER CHARGE. A charge levied on users of treatment works for the cost of operation and maintenance of the works.

WASTEWATER. The liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater or surface water that may be present, whether treated or untreated, which is contributed into or permitted to enter the system.

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

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
(Ord. 9, passed 9-21-1998)

§ 50.02 ABBREVIATIONS.

The following abbreviations shall have the designated meaning.

BOD. Biochemical oxygen demand.

SWDA. Solid Waste Disposal Act; 42 U.S.C. §§ 6901 *et seq.*

TSS. Total suspended solids.

USC. United States Code.
(Ord. 98-01, passed 9-21-1998)

§ 50.03 USE OF PUBLIC SEWERS REQUIRED.

(A) *Waste deposits.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of the township, any human or animal excrement, garbage or other objectionable waste.

(B) *Water pollution.* It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse or artificial watercourse, any sewage or other polluted waters other than storm water or uncontaminated industrial waters as defined in this chapter or to increase an approved use except upon special agreement or arrangement with the township in accordance with rules and procedures of appropriate agencies of the state.

(C) *Privies and septic tanks.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage in any area of the township served by the public sanitary sewer system.

(D) *Sewer connection required.*

(1) The owners of all dwellings, buildings, structures or properties used for human occupancy, employment, recreation or other purpose (where liquid wastes are produced), situated within the township and abutting on any street, alley or other public right-of-way in which there is now located or may in the future be located an available public sanitary sewer of the township are hereby required, at their expense to install suitable facilities and connect the facilities directly to the proper public sanitary sewer. The connection shall be preceded by proper application for and receipt of a sanitary sewer connection permit as required by § 50.06(B) below. The township may require any owner, pursuant to the authority conferred upon it by law or ordinance, to make the installations and connections. The connections shall be completed and inspected prior to occupancy.

(2) The connection to an available public sanitary sewer shall be completed promptly, but in no case later than 90 days from the date of occurrence of the last of the following events.

(a) Publication of a notice by the Township Clerk of the availability of the public sanitary sewer system in a newspaper of general circulation in the township.

(b) Modification of a structure so as to become a structure in which sanitary sewage originates.

(3) Upon the failure to complete connection where the structure in which sanitary sewer originates has not been connected to an available public sanitary sewer within the 90-day period provided

in division (D)(2) above, the township shall require the connection to be made forthwith after notice by first class mail or certified mail or posting on the property to the owners, occupants and persons having control of the property on which the structure is located. The notice shall give the approximate location of the available public sanitary sewer for connection of the structure involved and shall advise those persons of the requirements and the enforcement provisions of this chapter.

(4) If any structure in which sanitary sewage originates is not connected to an available public sanitary sewer within 90 days after the date of mailing or posting of the written notice, the township, in addition to the remedies otherwise provided by this chapter, may bring an action for a mandatory injunction or order in the district, municipal or circuit court in the county in which the structure is situated, to compel the owner to immediately connect to the available public sanitary sewer. The township in one or more of such actions may join any number of owners of structures to compel each owner to connect to the available public sanitary sewer.

(5) If the owner or occupant of property with a private sewage disposal system fails to connect to an available public sanitary sewer as provided by this section, then the township may take any action necessary to do so, charging all costs of compliance to the property owner or to the occupant of the property, and the charges shall become (and shall be collectible as) a lien on the property.

(E) *Water meter required.* All dwellings, buildings, structures or properties connected to the public sanitary sewer system shall have a water meter to determine water and sewer use charges. (Ord. 98-01, passed 9-21-1998) Penalty, see § 50.99

§ 50.04 PRIVATE SEWAGE DISPOSAL.

(A) *Private sewage systems.* When a public sanitary sewer is not available under the provision of § 50.02 above, the building sewer shall be connected to a private sewage disposal system constructed in compliance with all applicable laws, rules and regulations including, but not limited to, those of the appropriate agencies of the state and the township.

(B) *Location of system.* All installations of private sewage disposal systems shall comply with the existing county and state laws and regulations.

(C) *Discontinuance of system.*

(1) If an available public sanitary sewer exists, as defined in § 50.01 above, a property served by a private sewage disposal system and unless established to the contrary, all buildings as described in § 50.02 above shall be required to make proper installation and connection to the available public sanitary sewer in compliance with this chapter.

(2) All connections shall be preceded by a proper application and receipt of a sanitary sewer connection permit as required by § 50.06(B) below.

(3) All component parts of any private sewage disposal system shall be abandoned and filled with suitable material at the owner's expense, in accordance with township regulations. All filling and demolition of abandoned private sewage disposal systems shall be inspected and approved by designated township officials.

(D) *Maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.

(E) *Additional requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the township or other authorities with respect to private sewage disposal.

(Ord. 98-01, passed 9-21-1998)

§ 50.05 OPERATION AND MAINTENANCE OF THE SYSTEM.

(A) *Management and control.* The construction, operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the township. The township may employ or appoint the person or persons in a capacity or capacities as it deems advisable to carry out the efficient operations and management of the system and may make the rules and regulations as it deems necessary.

(B) *Continuous service.* The township will endeavor to furnish continuous wastewater service to the users of the system, but does not guarantee uninterrupted service and will not be liable for any damage which the users may sustain by reason of the failure of the service, whether caused by accident, acts of God, repairs or otherwise, nor will the township be liable for damages which the consumer may sustain by reason of failure of the system or for damages to persons or property arising, accruing or resulting from a failure of the system.

(Ord. 98-01, passed 9-21-1998)

§ 50.06 BUILDING SEWERS AND CONNECTIONS.

(A) *Connection to sewer.* 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 or from the official as it may designate.

(B) *Permit required.* All connections with any public sewer shall be made only on written authorization and permits issued by the township and on forms and on payment of fees as shall be established from time to time by the township.

(C) *Cost of building sewer.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property. The owner shall indemnify the township from all loss or damage that may directly be occasioned by the installation of the building sewer.

(D) *Application; plans.*

(1) All applicants for sewer connection permits shall first submit plans and specifications of all plumbing construction within the building or premises and the plans and specifications shall meet the requirements of the plumbing code commonly enforced in the township and the township's standards for public sewer construction, and all orders, rules and regulations of the MDPH. The approval of each connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains and sewage treatment plant. When the plans and specifications have been approved by the township, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed and ready for connection to the public sewer.

(2) Final approval will be subject to compliance with all applicable laws, rules, regulations, orders and directives.

(E) *Inspection.*

(1) The applicant for a sanitary sewer connection permit shall notify the township when the building sewer is ready for inspection and connection to the public sewer. The township shall then inspect the building sewer and its connection to the public sewer and if the connection meets the previous requirements as so approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of this chapter.

(2) Upon final approval of any sewer connection, all sewer supports, testing of sewer, backfilling of sewer, including material and other elements contingent on completion of installation shall comply with all applicable laws, rules, regulations, orders and directives, including the township's building codes.

(F) *Building sewer maintenance.* The costs of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. The owner shall make application for permit to perform the work to the township.

(G) *Connections; how made.* All connections to existing or new sewers will, at the option of the township, be made or inspected by the township. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if the branch is available at a suitable location.

(H) *Excavation precautions.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

(I) *Separate connections required.* Each building connected to any public sewer shall be connected by means of a separate building sewer. The use of multiple building sewers is prohibited.

(J) *Backfill requirements.*

(1) When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness.

(2) Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed.

(3) Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in that condition, the township is authorized by this subchapter to make the necessary repairs and charge the total cost against the person responsible for the same. No backfill shall be placed until the building sewer and connection has been inspected and approved by the township.

(K) *Time limit on open trench.* The person or owner causing any excavation or trench to be made in any public street or thoroughfare in the township shall be required to backfill and replace the trench as herein provided within a period of three days after work of excavating has been started unless written permission is granted by the township to allow the trench to be open for a longer period of time. In case of the failure to promptly refill any trenches within a period of three days, the township shall have the right to cause the same to be refilled and the expense shall be charged against the person, or owner responsible therefor.

(L) *Barricade requirements.* Every person excavating or causing to be excavated any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along the trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be excavated so as to entirely block any street for travel without the prior written consent of the township. In case of the failure to properly barricade or light the excavations or trenches, the township is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening.

(M) *Sewer connection requirements.*

(1) All sewer connections shall be made with the following approved sewer pipe:

- (a) PVC SDR-35, ASTM D-3034;
- (b) PVC Sch. 80 or 120, ASTM D-1785;
- (c) ABS, Sch. ASTM D-1527; and
- (d) Clay pipe, C700 extra strength ASTM pipe, joint C-425.

(2) Sewer pipe shall not be less than six inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer

may, for the purpose of making connections, be tapped under the direction and supervision of the township; the connection shall be made by saddle device approved by the township. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations and codes governing plumbing in the township.

(N) *Sewer elevation.*

(1) Whenever possible the sewer connection shall be brought to the building at an elevation below the basement floor.

(2) No sewer connection shall be laid parallel to or within three feet of any bearing wall, which might hereby be weakened.

(3) The depth to invert shall be sufficient to afford protection from frost. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by the sewer shall be lifted by approved artificial means and discharged to the sewer connection. (Ord. 98-01, passed 9-21-1998) Penalty, see § 50.99

§ 50.07 USE OF THE PUBLIC SEWERS.

(A) *Unpolluted water.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) *Storm drainage.* Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designated as storm sewers, or to a natural outlet approved by the township, and in compliance with rules and procedures of various agencies of the state. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the township to a storm sewer, or natural outlet. The township has the right to exclude industrial or commercial waste in whole or in part, for any reason from storm sewers.

(C) *Prohibited discharges.*

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference with the operation or performance of the system as defined in § 50.01 above. A user may not contribute the following substances to the system:

(a) Any wastewater having a temperature which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater with a temperature which exceeds 60°C (140°F);

(b) Any waste which may contain any concentration of any substance beyond the average daily concentration of the following:

<i>Parameter Substance</i>	<i>Parameter Limit (mg/l)</i>
BOD	250
Chemical oxygen demand	600
Chlorine requirement	15
Total suspended solids	250
Fats, grease and oil	50
Cadmium	0.20
Chromium (total)	2.50
Copper	0.30
Cyanide	0.10
Nickel	1
Phenol	0.03
Phosphorus	13
Zinc	2
Arsenic	2
Lead	1
Nitrogen	40
Silver	1
Parameters are expressed and shall be reported as the actual element, radical or ion by atomic or molecular weight.	

(c) Discharges of the following may be permitted only after written application by the person discharging and a determination by the township that the limits of the discharge comply with the standards established by the state and federal governments: aluminum, manganese, antimony, mercury, barium, PCBs, beryllium, selenium, boron, thallium and tin;

(d) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas or pollutant which can create a fire or explosion hazard defined as being greater than 20% of the lower explosive limit (LEL) for the substance;

(e) Any garbage that has not been properly shredded;

(f) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rugs, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance causing obstruction to the flow in sewers or other interference with the proper operation of the system;

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(g) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, personnel or the system;

(h) Any waters, or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the treatment facility;

(i) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle those materials at the treatment facility;

(j) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(k) Any waters or wastes having pH less than 5.0 and greater than 11.0;

(l) Any substance which may cause the system's effluent or any other product of the system such as residues, sludges or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (being 42 U.S.C. §§ 6901 et seq.), the Clean Air Act (being 33 U.S.C. §§ 1251 et seq.), the Toxic Substance Control Act (being 15 U.S.C. §§ 2601 et seq.) or state criteria applicable to the sludge management method being used;

(m) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(n) Any pollutants, including oxygen demanding pollutants (BOD and the like) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW;

(o) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the township in compliance with applicable state or federal regulations;

(p) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(q) Pollutants which result in the presence of toxic gases, vapors or fumes within the treatment facility in a quantity that may cause acute worker health and safety problems;

(r) Any trucked or hauled pollutants; or

(s) Any medical waste.

(2) When the township determines that a user(s) is contributing to the system, any of the above enumerated substances in amounts so as to interfere with the operation of the system, the township shall:

- (a) Advise the user(s) of the impact of the contribution on the system;
- (b) Develop effluent limitation(s) for the user to correct the interference with the system;

and

- (c) Set a time limit for compliance with divisions (2)(a) and (b) above.

(D) *Interceptors.*

(1) Grease, oil, sand interceptors and conventional grease traps 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 and other harmful ingredients; except that the 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.

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

(E) *Interceptor maintenance.* Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times and shall be accessible for inspection by township employees at all reasonable times.

(F) *Preliminary treatment facilities.* The admission into the public sewers of any waters or waste containing any quantity of substances having the characteristics described in division (C) above, or having a daily average flow greater than 5% of the average daily wastewater flow of the township, shall be subject to the review and approval of the township. Where necessary in the opinion of the township, the owner shall provide, at his or her expense, the preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in division (C) above, or control the quantities and rates of discharge of the waters or waste. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the township and/or the MDEQ, and no construction of the facility shall be commenced until the approvals are obtained in writing.

(G) *Maintenance of preliminary facilities.* Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained in satisfactory and effective operation by the owner at his or her expense.

(H) *Control manholes.* The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. The manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the township. The manholes 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.

(I) *Measurements and test.* All measurements, tests and analysis of the characteristics of waters and waste to which reference is made in divisions (C) and (D) above, shall be determined in accordance with the *Standard Methods for the Examination of Water and Sewage*, latest edition, and shall be determined at the control manhole provided for in division (H) above, or upon suitable samples taken at the control manhole. In the event that no special manhole is available, 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.

(J) *Agreements.* No statement contained in 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 or character may be accepted by the township for treatment, subject to payment therefor by the industrial concern, provided that payments under that agreement shall at all times be adequate to avoid impairing the rights of the holders of any sewer revenue bonds of the township which may then be outstanding and unredeemed.

(Ord. 98-01, passed 9-21-1998) Penalty, see § 50.99

§ 50.08 USER RATES AND CHARGES; WASTEWATER DISPOSAL SERVICES.

Rates and charges for sanitary sewer collection and treatment shall be in amounts as shall be established from time to time by resolution of the Township Board.

(Ord. 98-01, passed 9-21-1998)

§ 50.09 ANNUAL REVIEW.

Annually, prior to the adoption of the township's next fiscal year budget, there shall be a review by the township of all rates and charges, including user and connection charges. Upon completion, a report shall be prepared and presented at a meeting of the Township Board summarizing the review and recommending rates and charges which will assure that the costs of service will be recovered from users classed proportionately to the cost of providing service to them.

(Ord. 98-01, passed 9-21-1998)

§ 50.10 POWERS AND AUTHORITY OF INSPECTORS.

(A) *Inspectors.* The township and duly authorized officials or employees of the township, and agents of the MDEQ or MDPH bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing the entry shall be guilty of a violation of this chapter.

(B) *Record copying.* Inspectors shall have the right to have access to and make copies of any discharge related records of any non-domestic user.

(C) *Collecting non-domestic user information.* The township shall have the right to request and receive certain specific information from all non-domestic users. This information may include specific additional information which may be used to identify potential hazardous waste sources. (Ord. 98-01, passed 9-21-1998)

§ 50.11 APPLICATION FOR SEWER SERVICE AND BILLING PROCEDURES.

(A) *Application for service.* A user desiring to obtain sewer service shall sign the required application form which is available at the township hall. A signed application must be received before new service will be commenced. In the event sewer service at the premises is to be continuous through a change of ownership in the premises, an application from, the new user (owner) must be received prior to the change in ownership. Failure to complete an application may result in discontinuance of service.

(B) *Responsibility for sewer service bills.* The owner of a premises receiving sewer service shall be responsible for the timely payment of the charges for that service, and any unpaid charges shall become a lien on the property in accordance with applicable state law. If, however, a tenant is to be responsible for the payment of sewer charges, the township must be so notified in a writing signed by both the landlord and tenant and including a true copy of the lease of the affected premises, if one exists. In the event of filing of the notice, no further service to the premises will be provided, unless and until a cash deposit in an amount to be determined by resolution of the Township Board, but not less than the estimated bill for three months of sewer service, has been deposited with the township as security for the payment of the charges. In any other case where, in the discretion of the township, the collection of charges for water or sewer disposal service may be difficult or uncertain, the township may require a deposit. The deposits may be applied against any delinquent sewer service charges of the depositor and the application thereof shall not affect the right of the township to turn off the water or sewer service to any premises thereby satisfied.

(C) *Return of security deposits.* The township shall refund a deposit upon satisfactory payment by the user of all proper charges for sewer service for a period of 12 successive billing quarters. Payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for nonpayment. Users who have established credit by the satisfactory payment of sewer charges at one premises shall not be required to make deposits at a subsequent premises. A user who has been refunded a deposit shall be required to remake a security deposit in the event that user's service is discontinued for nonpayment before service will be reinstated. Upon termination of service, the deposit shall be credited to the final bill, and the balance, if any, shall be promptly returned to the user. The user shall not be entitled to receive any interest on the deposit.

(D) *Sewer service bills.* All meters shall be read at least quarterly. Bills for sewer service shall be rendered quarterly. The total amount of the sewer charges shall be the "net" amount of the bill. The township shall keep a record of all meter readings and shall keep accounts of the charges for sewer services furnished to all premises.

(E) *Payment of bills.* Bills shall be due and payable on the date specified on the bill. There shall be no discount for early payment. All sewer service charges shall be collected by the township and credited to the proper accounts.

(F) *Late payment penalty.* In the event the bill is not paid by the due date, a 10% penalty will be added to the net amount of the bill, and both shall become immediately due and payable. All payments by mail must be postmarked on or before the due date to prevent imposition of the 10% penalty. When the due date falls on a legal holiday, Saturday or Sunday, the net amount will be accepted on the first business day following. Failure to receive the bill shall not excuse a late payment penalty unless it can be shown from the billing record that the bill was not sent.

(G) *Change of address.* It shall be the responsibility of the owner and/or user to notify the township of any change in ownership or billing address.

(H) *Termination of sewer service for nonpayment.*

(1) If payment is not received or satisfactory arrangements have not been made within 30 days of the due date on the bill, a termination of service notice will be sent by first class mail to inform the user that failure to pay the past due amount, including any penalties, within seven days will result in termination of service.

(2) This notice will also inform the user that the user may request a hearing before the Township Board prior to any termination of service.

(3) At the hearing, the user will be given an opportunity to show why service should not be terminated. If payment is not received or satisfactory arrangements have not been made or a hearing has not been requested within seven days after the notice is mailed to the user, the sewer service will be discontinued.

(4) No sewer service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangements for the payment are made.

(I) *Water shut-off.* In addition to other remedies provided, the township shall have the right to shut off and discontinue the supply of water to any premises for the non-payment of sewer rates when due. If the charges are not paid within 30 days after the due date thereof, then water services to the premises shall be discontinued. Water services so discontinued shall not be restored until a time as all charges and penalties are paid. Water shut-off shall be preceded by adequate notification and an opportunity to request a hearing as provided for in division (H) above. Notices and hearings under division (H) above and this division (I) may be combined.

(J) *Collection of rates.* The charges and rates for sewer services provided herein which are made a lien on all premises served thereby, unless notice is given as provided by state statute that a tenant is responsible, are hereby recognized to constitute the lien, and whenever any such charge against any piece of property shall be delinquent for six months or more, they shall be certified annually on September 1 of each year to the tax-assessing officer of the township, whereupon the charge shall be entered by him

or her upon the next tax roll as a charge against the premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against the premises as collected, and the lien thereof enforced.

(K) *No free service.* No free service shall be rendered by the system to any person, firm or corporation, public or private, or any public agency or instrumentality. The township shall pay for all sewage disposal service furnished to it or to any of its departments at the rates determined by the Township Board from time to time.

(Ord. 98-01, passed 9-21-1998)

§ 50.12 HEADINGS; RECORDATION.

(A) *Headings.* The division headings in this chapter are furnished for convenience of reference only and shall not be considered to be a part of this chapter.

(B) *Recordation; publication; effective date.* This chapter shall be recorded in the minutes of the meeting of the Township Board at which it was adopted, as soon as practicable after its adoption, which record shall be authenticated by the signatures of the Township Supervisor and Township Clerk, and shall be published once in *The Lake County Star*, a newspaper of general circulation within the township.

(C) *Effective date.* This chapter shall take effect 20 days after its adoption.

(Ord. 98-01, passed 9-21-1998)

§ 50.99 PENALTY.

(A) *Civil penalties.* Any user who violates any order of the township, or who willfully or negligently fails to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be responsible for a municipal civil infraction and fined a sum not less than \$100 or more than \$25,000 per day per violation. In addition to this fine, the township may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation of not less than \$9 or more than \$500. In addition, should it be determined that the public sanitary sewer system or any of the connecting sewer lines or lift stations have incurred damage as a result of any violation of this chapter, the township shall have the right to recover any and all damages from those parties in violation.

(B) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of no more than \$500 or by imprisonment for not more than 90 days, or by both.

(C) *Criminal penalty.* Any person determined responsible for a municipal civil infraction under division (A) above, and who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter after the determination shall, upon conviction, be punished for each offense by a fine of not more than \$500 and costs of prosecution, or by imprisonment for not more than 90 days, or by both fine and imprisonment. Each day that a violation continues shall constitute a separate offense.
(Ord. 98-01, passed 9-21-1998)