

CITY OF AUGRES

SEWER USE AND CONNECTION ORDINANCE
NUMBER 32

An Ordinance providing for the operation and maintenance of the City of Augres Sanitary Sewage System and to establish rules and regulations governing the system, and to provide for connections to the system and to provide penalties for violations and providing for other related matters.

The City of Augres hereby ordains:

ARTICLE I

Sec. 1.1 TITLE

This Ordinance shall be known and cited as THE CITY OF AUGRES SEWER USE AND CONNECTION ORDINANCE, NUMBER 32

Sec. 1.2 FINDING OF NECESSITY

A public sanitary sewage system is essential to the health, safety and welfare of the People of the City. Failure or potential failure of septic tank disposal systems or improper use or failure of the sanitary sewage system poses a menace to health, presents a potential for the transmission of disease, and for economic blight, and constitutes a threat to the quality of surface and subsurface waters of the City. The connection of structures in which sewage originates to an available public sanitary sewer system at the earliest reasonable date; the proper design, construction and use of public and private sewers and drains and private sewage disposal facilities; and protective limitations on the discharge of certain waters and wastes into the public sewer system are all matters for the protection of the public health, safety and welfare and are necessary in the public interest, which is hereby declared.

Sec. 1.3 OPERATION AND MAINTENANCE

The operation and maintenance of the sanitary sewage system shall be under the supervision and control of the City of Augres. The City retains the exclusive right to make such rules or regulations and employ such person or persons as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system to comply with the requirements of the State and Federal regulatory agencies.

Sec. 1.4 DEFINITIONS

When used in this Ordinance, unless otherwise indicated by the context, the following definitions shall apply:

- 1.4.1 "Available Public Sanitary Sewer System" means a public sanitary sewer system located in a right-of-way, easement, highway, or public way which crosses, adjoins, abuts upon property and passing not more than two hundred (200) feet at the nearest point from properties with structures in which sanitary sewage originates.
- 1.4.2 "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.
- 1.4.3 "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the sewage discharge from plumbing fixtures inside the walls of a building and conveys it to the building sewer. The building drain extends to a point 5 feet outside the inner face of the building wall.
- 1.4.4 "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal, and includes the wye and riser installation.

- 1.4.5 "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics, as follows:
- Residential User - shall mean an individual home or dwelling unit including mobile homes, apartments, condominiums or multi-family dwellings that discharge only segregated domestic wastes or wastes from sanitary conveniences.
- Commercial User - shall mean any retail or wholesale business engaged in selling merchandise or a service and that discharges only segregated domestic wastes or wastes from sanitary conveniences.
- Public User - shall mean any educational, governmental, religious or social organization such as a school, church, nursing home, hospital or other similar entity that discharges only segregated domestic wastes or wastes from sanitary conveniences.
- Industrial User - shall mean any manufacturing establishment which produces a product from raw or purchased material.
- 1.4.6 "City" means the City of Au Gres, Michigan.
- 1.4.7 "Combined Sewer" means a sewer receiving roof drainage, surface runoff and sewage.
- 1.4.8 "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the City of Au Gres NPDES permit, if the treatment works was designed to treat such pollutants, and if in fact can remove such pollutants to a substantial degree. The term substantial degree generally means removals in the order of 80 percent or greater.
- 1.4.9 "Footing Drain" means a buried pipe surrounding a building for the purpose of draining ground water away from the building footing.
- 1.4.10 "Garbage" means solid wastes from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage, and sale of produce.
- 1.4.11 "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as identified in Item 1.4.8 above.
- 1.4.12 "Infiltration" shall mean any waters entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.
- 1.4.13 "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.
- 1.4.14 "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.
- 1.4.15 "Inspector" shall mean any person or persons authorized by the City to inspect and approve the installation of building sewers, private sewers and their connection to the public sewer system.

- 1.4.16 "Local Health Department" means the Central Michigan District Health Department or the Health Department as established by the County of Arenac.
- 1.4.17 "Major Contributing Industry" shall mean an industrial user, as defined, that discharges (a) a flow of 25,000 gallons or more per average work day, (b) a flow exceeding five (5) percent of the total treatment plant flow, (c) toxic pollutants in toxic amounts as defined in the NPDES permit, or (d) a flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.
- 1.4.18 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 1.4.19 "Normal Strength Sewage" shall mean a sanitary waste water flow containing an average daily BOD of not more than 180 mg/l, an average daily suspended solids concentration of not more than 200 mg/l and a phosphate concentration of not more than 10 mg/l.
- 1.4.20 "NPDES Permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the Discharge of waste waters into the waters of the State.
- 1.4.21 "Person" means a person as defined in Section 1106 of the Michigan Public Health Code being Public Act 368 of 1978, or a governmental entity.
- 1.4.22 "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- 1.4.23 "Pretreatment" means a process for treating an industrial sewage to the extent that it can be discharged to the public sanitary sewer without endangering the municipal sewage treatment system or the water course to which the treatment plant discharges its effluent.
- 1.4.24 "Private Sewage Disposal Systems" shall mean any septic tanks, lagoons, cesspools, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.
- 1.4.25 "Properly Shredded Garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- 1.4.26 "Public Sanitary Sewer" means a sanitary sewer or sewers used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal and is owned and operated by a governmental agency.
- 1.4.27 "Roof Drain" means a system for collection of precipitation which falls on a building roof and includes roof gutters and downspouts.
- 1.4.28 "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are meant to be excluded.
- 1.4.29 "Sewage" shall mean a combination of the liquid and water-carried wastes from residences, commercial buildings, public users, and industrial establishments (including polluted cooling water), together with such ground, surface and storm waters as may be present.

The three (3) most common types of sewage are:
Sanitary sewage - shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage - shall mean a combination of liquid and water carried wastes, discharge from any industrial or commercial establishment, and resulting from a trade or process carried on in that establishment (this shall include the wastes from pre-treatment facilities and polluted cooling water).

Combined sewage - shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the waste water treatment facilities by a combined sewer.

- 1.4.30 "Sewage Treatment Plant" means any arrangement of equipment and/or structures used for treating sewage.
- 1.4.31 "Sanitary Sewerage System" or "Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage.
- 1.4.32 "Shall" is mandatory; "May" is permissive.
- 1.4.33 "Slug" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration flow rate during normal operation.
- 1.4.34 "Structure in Which Sanitary Sewage Originates" or "Structure" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage are used or are available for use for residential, commercial, industrial, institutional or other purposes.
- 1.4.35 "Storm Drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and most industrial wastes. Unpolluted industrial cooling water is an example of industrial waste acceptable in a storm drain.
- 1.4.36 "Surcharge" shall mean the additional charge which a user will be required to pay to meet the cost of treating sewage having strength in excess of the limits set by the City for transmission and treatment within the sanitary sewage system.
- 1.4.37 "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; which are removable by standard laboratory filtering techniques.
- 1.4.38 "Superintendent" shall mean the superintendent of the sewage works for the City of AuGres or his authorized assistant, deputy, agent or representative.
- 1.4.39 "Waste Water" shall mean water which contains, or previous to treatment has contained, pollutants such as sewage and/or industrial wastes.
- 1.4.40 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 1.4.41 "Water Quality Standard" means the maximum amount of various foreign substances in water that is allowed to be discharged under a NPDES permit.

ARTICLE II

REQUIRED USE OF PUBLIC SEWERS

- Sec. 2.1 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 City, or any area under its jurisdiction, any human or animal excrement, garbage or other objectionable waste.

- 2.2 It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provision of this Ordinance.
- 2.3 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.
- 2.4 Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure, shall cause such structure to be connected to an available public sanitary sewer. Such connection shall be completed promptly but in no case later than twelve (12) months from the date of occurrence of the last of the following events:
- 2.4.1 Publication of a notice by the City Clerk of the availability of the public sanitary sewage system in a newspaper of general circulation in the City or official notice to connect to an available public sanitary sewage system.
- 2.4.2 Modification of a structure so as to become a structure in which sanitary sewage originates.
- 2.4.3 This Ordinance becomes effective.
- 2.5 Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the twelve (12) months period provided in Section 2.4 above, the City Clerk shall require the connection to be made forthwith after notice by first class mail or certified mail 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 public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this Ordinance.
- 2.6 Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewage system within 90 days after the date of mailing or posting of the written notice, the City may bring an action for a mandatory injunction or order in the district, or circuit court in Arenac County to compel the owner to connect to the available sanitary sewage system forthwith. The City in one or more of such actions may join any number of owners of structures situated within the City to compel each owner to connect to the available sanitary sewage system forthwith.

ARTICLE III

PRIVATE SEWAGE DISPOSAL

- Sec. 3.1 Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health and the local Health Department.
- 3.2 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- 3.3 At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided herein, a direct connection shall be made to the public sanitary sewer system in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, pumped, and filled with suitable material.

- Sec. 3.4 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health and the local Health Department.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

- Sec. 4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the City and deposited with the Treasurer, a corporate surety in the sum of \$1,000 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the City pertaining to plumbing or sewer connections. This bond shall state that the persons will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalty claims, and demands that may have accrued thereunder prior to such expiration.
- Sec. 4.2 There shall be two (2) classes of building sewer permits: (1) for residential, commercial and public user service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. The fee for the connection permit and inspection shall be as provided for in a separate ordinance or resolution, which fees shall be paid to the City at the time the application for a permit is filed. A permit shall be valid for a period of one year from the date of issuance. Upon application approved by the City, a permit may be renewed for an additional one-year period. Installation shall be completed during the period the permit is valid.
- Sec. 4.3 All costs and expense incidental to the installation (including replacement), connection, maintenance, or repair of a building sewer shall be borne by the property owner. The property owner or contractor installing or maintaining a building sewer shall indemnify the City from any loss or damage that may directly or indirectly result from the installation, connection, maintenance or repair of the building sewer.
- Sec. 4.4 No connection to the system will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant, including capacity for treatment of B.O.D. and suspended solids.
- Sec. 4.5 All connections to the system will be made by a licensed contractor or plumber provided, however, that a property owner may make his own installation and connection in accordance with the requirements of this Ordinance and State law so long as he has secured a connection permit. This does not allow a property owner to hire an unlicensed contractor to do his work.

Sec. 4.6 All licensed contractors and plumbers making connections to the system shall file with the City, a copy of their plumber's or contractor's license from the State of Michigan and a copy of their liability insurance prior to performing any connections to the system.

Sec. 4.7 A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, easement or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 4.8 Old building sewer may be used in connection with new buildings only when they are found, on examination and tested by the City, to meet all requirements of this Ordinance.

Sec. 4.9 Building sewers and connections thereof to the public sanitary sewer shall meet the following requirements:

- (a) Commercial, public and industrial building sewer shall be of sufficient diameter to carry the estimated volume of flow and unless specifically approved by the City shall not be less than six inches in diameter.
- (b) Residential building sewer shall be of sufficient diameter to carry the estimated volume of flow and in no event less than six inches in diameter.
- (c) Except as provided in paragraph (d) below, building sewers and connections thereof to the public sewer shall be constructed of the following materials:
 1. PVC schedule 40 with chemical weld joint or elastomeric gasket joints.
 2. ABS extra strength pipe with chemical weld joint. (Extra Strength S.D.R.-23.5)
 3. Cast or ductile iron with rubber O-Ring joint.
- (d) Building sewers and connections thereof to the public sewer lying within 75 feet of a private water well or 200 feet of a municipal water well shall be constructed of special materials as specified by the Michigan Department of Public Health.
- (e) A building sewer shall be laid at a uniform grade. The slope of a building sewer shall be not less than 1/8 inch per foot (1%) for six inch pipe.
- (f) Connections to the public sewer shall be made only where wyes or risers are provided in the line. If a wye or riser is not available, the building sewer connections shall be subject to approval by the City and installed with approved fittings by a licensed plumber.
- (g) A building sewer line shall be straight, with any change in alignment subject to approval by the Inspector. Only long radius elbows shall be used for changing alignment of building sewers.
- (h) Cleanouts on long building sewers shall be installed at approximately 100 foot intervals and at locations where alignment is changed, if required by the Inspector.
- (i) Where different pipe materials are to be joined together only manufactured adapters made for that purpose shall be used.
- (j) Where rock or hard clay excavation is required, a six inch sand or gravel cushion shall be placed around the pipe.

- 4.6 All licensed contractors and plumbers making connections to the system shall file with the City, a copy of their plumber's or contractor's license from the State of Michigan and a copy of their liability insurance prior to performing any connections to the system.
- 4.7 A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, easement or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 4.8 Old building sewer may be used in connection with new buildings only when they are found, on examination and tested by the City, to meet all requirements of this Ordinance.
- 4.9 Building sewers and connections thereof to the public sanitary sewer shall meet the following requirements:
- (a) Commercial, public and industrial building sewer shall be of sufficient diameter to carry the estimated volume of flow and unless specifically approved by the city shall not be less than six inches in diameter.
 - (b) Residential building sewer shall be of sufficient diameter to carry the estimated volume of flow and in no event less than four inches in diameter.
 - (c) Except as provided in paragraph (d) below, building sewers and connections thereof to the public sewer shall be constructed of the following materials:
 - 1. PVC schedule 40 with chemical weld joint or elastomeric gasket joints.
 - 2. ABS extra strength pipe with chemical weld joint. (Extra Strength S.D.R.-23.5)
 - 3. Cast or ductile iron with rubber O-Ring joint.
 - (d) Building sewers and connections thereof to the public sewer lying within 75 feet of a private water well or 200 feet of a municipal water well shall be constructed of special materials as specified by the Michigan Department of Public Health.
 - (e) A building sewer shall be laid at a uniform grade. The slope of a building sewer shall be not less than 1/4 inch per foot (2%) for four inch pipe and not less than 1/8 inch per foot (1%) for six inch pipe.
 - (f) Connections to the public sewer shall be made only where wyes or risers are provided in the line. If a wye or riser is not available, the building sewer connections shall be subject to approval by the City and installed with approved fittings by a licensed plumber.
 - (g) A building sewer line shall be straight, with any change in alignment subject to approval by the Inspector. Only long radius elbows shall be used for changing alignment of building sewers.
 - (h) Cleanouts on long building sewers shall be installed at approximately 100 foot intervals and at locations where alignment is changed, if required by the Inspector.
 - (i) Where different pipe materials are to be joined together only manufactured adapters made for that purpose shall be used.
 - (j) Where rock or hard clay excavation is required, a six inch sand or gravel cushion shall be placed around the pipe.

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- (k) connection of a building sewer into the public sewer, shall conform to the requirements of the City and as set forth in the applicable specifications of the American Society of Test Materials and the Manual of Practice No. 9 of the Water Pollution Control Federation. All connections shall be made gas tight and water tight. Any deviation from the procedures and materials set forth herein may be made only with the approval in writing of the City before installation.

- Sec. 4.10 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 4.11 No person shall make connection of roof downspouts, exterior foundation drains, area-way drains or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 4.12 The applicant for a building sewer permit shall notify, the City at least 24 hours prior to the time that the building sewer is ready for inspection and connection to the public sewer. The entire building sewer shall be left uncovered until inspected and the connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 4.13 All excavations for building sewers shall be adequately guarded with barricades and lights for the protection of the public. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored as near as practicable to the original condition and as approved by the Superintendent.
- Sec. 4.14 Abandoned or discontinued building sewers shall be bulk-headed, capped or sealed in a manner to prevent leakage of liquids or gases therefrom. The work shall be subject to inspection by the City. All costs shall be the owner's. In the event that an owner refuses or fails for any reason adequately to bulk-head, cap or seal and abandoned or discontinued building sewer, the City after notice to the owner by ordinary or certified mail may cause the work to be completed. All costs incurred by the City shall be a lien upon the property and shall be assessed against the real property on the next succeeding City tax roll.

ARTICLE V

DESIGN AND CONSTRUCTION REQUIREMENTS FOR SEWAGE COLLECTION SYSTEMS

- Sec. 5.1 General
- (a) All plans and specifications for additions to or the extension or relocation of the City sanitary sewer system shall be prepared in accordance with the adopted sanitary sewer works standards of the City and be approved by the City.
- (b) No additions to or extensions or relocations of the City sanitary sewer system shall be placed in service and no building drain connections shall be made thereto until satisfactory test results have been received by the City and the addition, extension, or modification has been approved by the City.
- (c) Any sanitary sewer, meeting requirements applicable to public sewers, which services two or more separate buildings or dwellings, shall be deemed a public sewer, unless the buildings are part of a singly owned industrial or commercial complex or a public complex where future division of ownership is not anticipated.
- (d) Combined sewer system shall not be permitted.

5.2 Connection of Privately Constructed Sanitary Sewer Systems to the System

Before any sanitary sewer system constructed by private, as distinguished from public funding, hereinafter referred to as the "private sanitary sewer", shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the City with the following:

- A. Provide the City with the developer's plans and specifications for construction that conform to the adopted City standards, an estimate of the cost of construction and deposit with the City the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the City in an escrow account in the name of said developer.
- B. Obtain approval of the City of the plans and specifications.
- C. Secure all necessary permits for construction.
- D. Upon commencement of construction of the private sanitary sewer, deposit with the City in the escrow account referred to in paragraph A of this section the estimated cost of inspection by the City.
- E. Upon satisfactory completion of the private sanitary sewer to the system and prior to connection to the City system, provide the City with any easement required, an affidavit of completion by the contractor, a bill of sale, as-built drawings certified by a professional engineer, and a one (1) year warranty bond equal to the cost of the sewage work project. Any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the City in assuring the City that the private sanitary sewer is properly constructed and operating shall be deducted therefrom or charged directly to the developer, at the option of the City. An accounting of expenditures shall be made to the developer by the City.
- F. Thereafter, the City will accept the privately constructed sewer and it shall become a public sewer.

ARTICLE VI

USE OF PUBLIC SEWERS

Sec. 6.1 General

- 6.1.1 The City shall prohibit any new connections from inflow sources to the system and shall refuse to accept inflow sources from existing connections which are not consistent with the system's design capacity including discharge of storm water, surface water, ground water, roof run-off, foundation drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; and shall further prohibit new connections unless there is capacity in all downstream sewers, lift stations, force mains and treatment plant facilities including capacity for B.O.D. and suspended solids.
- 6.1.2 No person shall discharge or cause to be discharged to any public sewers any harmful water or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interferences with the proper operation of the sewage works.

- Sec. 6.1.3 The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to review and approval of the City, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the City, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer.
- Sec. 6.1.4 When required by the City, the Owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", 40 CFR 136, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- Sec. 6.1.5 A portion or all industrial waste from an industry may be excluded from the sanitary sewer system.
- Sec. 6.1.6 A surcharge shall be imposed on the rate charged on wastes exceeding normal strengths for the treatment of such wastes. The surcharge shall be based on the volume, strength and character of the industrial waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the City.
- Sec. 6.1.7 Special assessments or contracts may be executed with industries which shall be coordinated with this Ordinance for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is capable of handling such industrial waste.
- Sec. 6.1.8 Where the nature of an industry or commercial enterprise applying for or receiving sanitary sewer service is such that the sewage or process wastes generated by it may pose a hazard to health or environment or to the functioning of the system's treatment plant, the City may require submission to it of the following information and materials:
- (a) A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharge, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
 - (b) A plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural outlet or ground waters noted, described, and any natural outlet identified.
 - (c) Reports of sample tests of the characteristics of the wastes made on a time schedule, at locations and according to methods approved by the City.
 - (d) The names of any persons together with a statement of their qualifications who have specific supervision and control over waste treatment facilities, process facilities, and other facilities affecting wastes.
 - (e) Reports on raw materials entering the process or support system, intermediate materials, final products, and waste by-products at those factors may affect waste control.
 - (f) Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

- (g) Written notification to the City of any plans to alter an industrial or commercial process generating industrial or commercial wastes, such alteration to be subject to the approval of the City.

Sec. 6.1.9 Upon a finding by the City based on all available information that industrial or commercial wastes that are being discharged, or that are planned to be discharged, by an industry or commercial enterprise may pose a potential danger to the public health, the environment or the proper functioning of the treatment plant receiving the flow, the owner thereof, upon written notice by the City, shall construct a permanent monitoring structure at the point of discharge of the wastes to the sanitary sewer, storm sewer or natural outlet.

- (a) The design of the structure shall be approved by the City before installation.
- (b) The structure shall be constructed by the industry or commercial enterprise at its expense.
- (c) The monitoring station shall be maintained in good operating condition by the industry or commercial enterprise at its expense. Any break in the operation of the station will require a written report stating the reason for the stoppage and a schedule or repair.
- (d) Adequate access shall be maintained to the monitoring structure at all times to enable the City to collect samples and flow records.

Sec. 6.1.10 Charges for using the public sewage works shall be paid by owners of property to which sanitary sewer service is available at the times and in accordance with schedules of such charges provided by the City in a separate ordinance or resolution.

Sec. 6.1.11 The admission into the public sewers of any waters or wastes:

- (a) Containing a five (5) day B.O.D. greater than one hundred eighty (180) mg/l or containing more than two hundred (200) mg/l of suspended solids, or a phosphate concentration of more than ten (10) mg/l.
- (b) containing any quantity of substances having the characteristics described in Section 6.3 hereof, or
- (c) having any average daily flow greater than two (2) percent of the average daily flow of the City and shall be subject to review and approval of the City Manager.

The City after review shall either:

- (a) Reject the wastes.
- (b) Require pre-treatment to an acceptable condition for discharge to the public sewer.
- (c) Require control over the quantities and rates of discharge.
- (d) Require special payment (a surcharge) to cover the added cost of handling and treating the wastes as provided in Section 6.1.6, 6.1.7 and 6.1.8.

Sec. 6.1.12 Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes contain grease in excessive amounts, or other harmful ingredients, except that such interceptors shall not be required for single-family and multi-family dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be for substantial construction, water tight and equipped with easily removable covers which

when bolted into place shall be gas tight and water tight. Where installed, all grease, oil and sand interceptors (traps) shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- 6.1.13 If the City permits pre-treatment or equalization of flows, preliminary or pre-treatment shall be provided, at no expense to the City, as may be necessary to reduce the B.O.D. to 180 mg/l and suspended solids to 200 mg/l or to reduce objectionable characteristics of said effluent to within the maximum limits provided for in Section 6.3 hereof, or to control the quantity and rates of discharges of such water or wastes. On direction of the City, an entity may be required to remove, exclude, or require pre-treatment of any industrial waste, in whole or in part, for any reasons deemed to be in the City's interest. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at no expense to the City. Plans, specifications and any other pertinent information relating to proposed preliminary or pre-treatment facilities shall be submitted for approval to the City and no construction of such facility shall be commenced until said approvals are obtained in writing. The City may elect to treat industrial waste discharges in excess of normal domestic concentrations on a basis prescribed by written agreement and for an established surcharge to cover the added cost. All such preliminary treatment or pre-treatment shall be in accordance with federal and state laws and regulations and such pre-treatment criteria as are promulgated by the City. All expenses of City services necessary to review such preliminary treatment facilities plans and specifications shall be borne by the owner. All activities shall conform to 40 CFR 403, Pretreatment Standards.

- 6.1.14 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with E.P.A. Regulations, 40 CFR 136, and the most recent edition of "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to public health, safety and welfare. The particular analysis involved will determine whether a 24 hour composite of all outfalls of a premise is sufficient or whether grab sample or samples should be taken.

- 6.1.15 No provision contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial or commercial firm whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to special payment (surcharge) therefore by the industrial or commercial firm if the sewage treatment facility is capable or removing the waste to meet water quality requirements.

6.2 Discharge of Storm, Ground and Unpolluted Water

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process water into any sanitary sewer.

- B. Storm water and all other unpolluted drainage shall be discharges to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the state agency having jurisdiction thereof. Industrial cooling water or unpolluted process waters may be discharged upon approval of the state agency having jurisdiction to a storm sewer or natural outlet.

Sec. 6.3

Prohibited Discharges

- A. Any liquid or vapor having a temperature higher than 150 degrees F.
- B. Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil or grease.
- C. Any gasoline, benzine, naptha, fuel oil or other flammable or explosive, liquid, solid or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, metal shavings, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to flow in sewers of other interference with the proper operation of the sewage works.
- F. Industrial wastes of such concentration of metallic or other compounds which exceed guidelines of the appropriate state and federal agencies and as set forth in the sewage treatment plant NPDES permit.
- ne local loading for silver shall not exceed 0.004 lbs/d.
- G. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations, shall not be allowed.
- H. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES permit or the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- I. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant, heavy metals, and/or materials designated by EPA as being toxic or poisonous consistent with Section 307A of the Clean Water Act.
- J. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- K. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- L. Any waste that may cause a deviation from the NPDES permit requirements, pre-treatment standards, and all other state and federal regulations.
- M. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the waste water system.
- N. National Categorical Pretreatment Standards 40 CFR 403. Upon the promulgation of the National Categorical Pretreatment Standard, if more stringent than limitations

imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The City shall notify all affected Users of the applicable reporting requirements.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

Sec. 7.1 The duly authorized employees of the city after showing proper credentials and identification shall be permitted to enter upon all properties in the City for the purposes of inspection, observation, measurement, sampling and testing of sewage flows in accordance with the provisions of this Ordinance. the employees of the City shall have no authority to inquire into any proprietary processes including metallurgical, chemical, oil, refining, ceramic, paper, or other process, beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterways of facilities for waste treatment.

Sec. 7.2 While performing the necessary work on private properties referred to in Section 7.1 above, the duly authorized employees shall observe all safety rules applicable to the premises established by the owner thereof and the owner shall be held harmless for injury or death to such employees, except as such may be caused by the negligence or failure of the owner to maintain safe working conditions.

ARTICLE VIII

PENALTIES

Sec. 1 Any person found to be violating any provision of this ordinance, except the provisions of Section 3 and 4 of this Article VIII, shall be served by the City 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.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3 Any person who shall willfully, maliciously or wantonly break, damage, destroy, uncover, deface, remove or tamper with any structure, appurtenance, pipe valve, pumping station, monitoring station or other equipment or installation that is a part of the public sanitary sewage system of the City, shall be guilty of a misdemeanor punishable by imprisonment in the County Jail not to exceed 90 days, or by fine not exceeding five hundred dollars (\$500.00), or by both such imprisonment and fine.

Sec. 4 Any person who shall intentionally make a false statement, representation, or certification in an application for a permit or in any report or statement of information required under this Ordinance, or who with intent to deceive shall render inaccurate a monitoring device required to be maintained under this Ordinance, shall be guilty of a misdemeanor punishable by imprisonment in the County Jail not to exceed 90 days, or by fine not exceeding five hundred dollars (\$500.00), or by both such imprisonment and fine.

ARTICLE IX

CIVIL REMEDIES

- Sec. 1 Any person who, in violation of Section 6.1 and 6.2 of Article VI of this Ordinance, shall discharge into the public sanitary sewer in the City, any storm or other uncontaminated or unpolluted waters as specified in said Section, shall be liable for the cost of sewage treatment of the volume of such waters estimated to have been unlawfully discharged into the sanitary sewer. The annual charge for treatment of storm waters, ground water, roof run-off and sub-surface drainage shall be based on the drainage area and rainfall records and the actual cost of sewage treatment.
- Sec. 2 The City shall have the right to recover the full value of any losses, costs or damage resulting from any violation of this Ordinance in a civil action in a court of competent jurisdiction.
- Sec. 3 In addition to all other penalties and remedies for the violation of any provision of this Ordinance, the City may commence an action in the circuit court for Arenac County for mandatory injunction to restrain the violation.

ARTICLE X

CONDITIONS OF SERVICE

- Sec. 10.1 Applications may be canceled and/or sewer service discontinued by the City for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
- 10.1.1 Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - 10.1.2 Non-payment of bills.
 - 10.1.3 Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- 10.2 All notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application unless a change of address has been filed in writing at the City Clerk's office of the City, and the City shall not otherwise be responsible for delivery of any notice nor will the customer be excused from any performance required in said notice.
- 10.3 The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any sewer pipes, 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 portion of a payment refunded for any interruption.
- 10.4 The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the City.

ARTICLE XI

VALIDITY

- Sec. 11.1 If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any of the other provisions of this Ordinance.

ARTICLE XII

MISCELLANEOUS

- Sec. 12.1 All ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ARTICLE XIII

APPEAL PROCEDURE

- Sec. 13.1 An appeal by any user may be made for relief regarding user billing, user flow, flow concentration, user rate application and regulatory application. An appeal is initiated by written application to the City Manager within 10 days after the date the user deems itself aggrieved stating the reasons therefore with supporting documents and data.
- Sec. 13.2 The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted on an informal basis at the City Hall or at such place as designated by the City Manager.
- Sec. 13.3 Appeals from Orders of the City Manager may be made to the City Council, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the City Manager and with the Board, specifying the grounds therefore. Prior to a hearing, the City Manager shall transmit to the Board a summary report of all previous action taken. The Board may, at its discretion, call upon the City Manager to explain the action. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, three members of the Board must concur.
- Sec. 13.4 The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the said Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end shall have all the powers of the official from whom said appeal is taken.
- Sec. 13.5 The decision of said Board shall be final, except that said Board or the members thereof may be required, under proper mandamus proceedings, to show cause why certain actions were taken or decisions rendered.
- Sec. 13.6 The Board of Appeals shall meet at such times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of three members shall be necessary to constitute a quorum.

- Sec. 13.7 The Board of Appeal may describe the sending of notice to such persons as it deems to be interested in any hearing by the Board.
- Sec. 13.8 All charges for service, penalties, fees, or surcharges outstanding during any appeal process shall be due and payable to the City. Upon resolution of any appeal, the City shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous four quarters billing unless otherwise directed by court order.
- Sec. 13.9 If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except for Immediate Cease and Desist Orders issued pursuant to this Section.
- Sec. 13.10 Appeals from the determinations of the Board of Appeals may be made to the Circuit Court for the County of Arenac as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (1979 P.A. No. 306, MCLA 24.201 et seq.). All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

ARTICLE XIV

ORDINANCE IN FORCE

- Sec. 15.1 This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- Sec. 15.2 Passed and adopted by the Council of the City of AuGres, State of Michigan on the 7th day of March by the following vote:

Ayes 5: namely Dittenber, Hodge, Hupert,
Morgan & Nelson

Nayes 0: namely -0-

Approved this 7th day of MARCH, 1991

(Signed) LaVern Dittenber, Mayor
LaVern Dittenber

Attest:

(Signed) Mary Friesorger, Clerk
Mary Friesorger

Introduced -
Enacted -
Published -
Effective -