

SIDNEY TOWNSHIP SANITARY SEWER SYSTEM ORDINANCE

Ord. No. 2-1-2011

An Ordinance to provide for the operation and maintenance of a sanitary sewage disposal system by the Township of Sidney, Montcalm County, Michigan; to provide for the ownership, operation of, and mandatory connection to, said system; to regulate the discharge of water and waste into said system; to prohibit private sewage disposal systems and exceptions thereto; to provide rates and charges to be levied upon users of the system and for connection to; for capacity utilization and inspection; to establish administrative and financial procedures for the operation of the system and the discharge of obligations incurred in connection to the system; to define terms, establish funds and provide remedies and penalties for the violation of this Ordinance, and to provide for an effective date hereof.

THE TOWNSHIP OF SIDNEY, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1 TITLE.

This Ordinance shall be known as the Sidney Township Sanitary Sewer System Ordinance.

Section 2 FINDINGS

The Township determines that the System is necessary to protect and preserve the public health, safety and welfare of the Township as the use of septic tanks, privies, privy vaults, cesspools, or similar private sewage disposal facilities are harmful to the health, safety and welfare of the residents, businesses, industries, and governmental and charitable agencies of the Township. This determination is based upon the express determination of the State Legislature as set forth in the Michigan Public Health Code at Section 12752 which states:

“Sec. 12752. Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.”

The Township also finds that in order to provide and continue to provide for the safe and uninterrupted removal and treatment of sewage, pollutants and other harmful materials, it is necessary from time to time to install improvements, and repairs to the System.

Section 3 DEFINITIONS.

The following terms shall have the meanings described in this Section unless the context specifically indicates different meaning.

- A. **Act or The Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- B. **Applicable County Health Department** is the Mid Michigan County Health Department.
- C. **Attorney** shall mean the Attorney of the Township of Sidney, Montcalm County, Michigan.
- D. **Available Public Sanitary Sewer System** means a public sanitary sewer collection system located in a right-of-way, easement, highway, or public way which crosses, adjoins, abuts, or is contiguous to the realty involved and passes not more than two hundred (200') feet at the nearest point from a structure in which sanitary sewage originates; or in the case of all other real estate or land, is located in a street, road, highway, right-of-way, easement or public or private way, crossing, adjoining, abutting, or contiguous to any land within the service area, on which is located a structure in which sanitary sewage originates. This definition is intended to apply to the collection main only, which is upstream of the pump station. This definition is not intended to apply to the transmission main, which is from the pump station to the sewage treatment facility.
- E. **BOD** shall mean the Biochemical Oxygen Demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed as milligrams per liter.
- F. **BPW** shall mean the Montcalm County Board of Public Works (BPW).
- G. **Building Sewer** shall mean the sewer pipe that connects the building or structure in which sewage originates to the public sewer and conveys the sewage from the building or structure to the public sewer.
- H. **Collection Main** shall mean a principal pipe in the system that collects sewage and transports it to the pump station. The collection main is the pipe which is located upstream of the pump station. Refer to Transmission Main for pipe located downstream of the pump station.
- I. **Commercial Users** shall mean any establishment being involved in a commercial enterprise, business or service which, based upon a determination by the Township Board, discharges primarily segregated domestic wastes or wastes from sanitary conveniences, and which is not a residential or industrial user.
- J. **Compatible Pollutant** shall mean a substance amenable to treatment in a publicly owned wastewater treatment facility such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit of the wastewater treatment facility designed to treat such pollutants and which does in fact remove such pollutants to a substantial degree. Such additional pollutants may include but not be limited to: chemical oxygen demand, total organic carbon, phosphorous and phosphorous compounds, nitrogen and nitrogen compounds, fats, oils, and greases of animal or vegetable origin.

- K. **Connection Fee.** In addition to any other fees, or charges under this Ordinance, a Connection Fee shall be charged that shall be equivalent to the original assessment of the System plus an inflationary factor as determined by Township Rate Resolution. The amount of the connection fee shall be determined as provided in this Ordinance.
- Premises other than single family residences shall pay a connection fee in an amount equal to the connection fee for one Residential Equivalent multiplied by the factor developed in the formula established by the Table of Unit Factors referred to in Section 8 of this Ordinance and attached to this Ordinance as Attachment A. An additional connection fee may be charged when an existing multiple residential, commercial or industrial facility already connected to the wastewater collection and treatment system expands or alters the industrial or commercial use of its premises.
- L. **Cost Recovery Surcharge** shall mean a non-discountable service bill charge applied to recover amounts paid for operation, maintenance, and replacement of the system as a result of treating excessive amounts pollutants, being BOD, Ammonia-Nitrogen, Total Phosphorous as P, and Total Suspended Solids.
- M. **County** shall mean the County of Montcalm, State of Michigan.
- N. **Debt Service Charge** shall mean the charge assessed users of the System which is used to pay principal, interest, and administrative costs of retiring the debt incurred for the construction or improvements made to the System.
- O. **Direct Connection** shall mean the connection of a premise wherein sanitary sewage originates directly to sewer lines constructed by or dedicated to the Township.
- P. **Dwelling Unit** A dwelling unit shall contain, at a minimum, sleeping facilities, a toilet, bath or shower and a kitchen.
- Q. **Garbage** shall mean solid waste from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce, and in addition, shall include all paper, plastic and other household items, including containers, whether or not disposable or biodegradable in nature.
- R. **Governmental User** shall mean a facility connected to a sanitary sewer system and which is occupied by governmental offices or any other facility that provides governmental services at public expense.
- S. **Grinder Can** shall mean the fiberglass enclosure that houses the grinder pump that transfers sewage from the building sewer from the home to the public sewer.
- T. **Incompatible Pollutant** shall mean any pollutant which is not a compatible pollutant.
- U. **Indirect Connection** shall mean the connection of any premises to any sewer lines not originally included in the System but connecting to premises served by a subdivision or mobile home park sanitary sewer which in turn connect to the public sewer.

- V. **Industrial User** shall mean an industry, commercial establishment, or other entity that discharges wastewater to the System, other than, or in addition to, sanitary sewage.
- W. **Industrial Wastes** shall mean the wastewater discharges from industrial, manufacturing, trade or business process as distinct from their employee's domestic waste or wastes from sanitary conveniences.
- X. **Institutional User** shall mean any establishment listed in the Standard Industrial Classification Manual (SICM) involved in a social, charitable, religious, or educational function which, based on a determination by the Township, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- Y. **Low Pressure Sewer** shall refer to the type of public sewer system that consists of a pressurized collection main receiving flow from individual grinder cans and not by gravity.
- Z. **Multiple Residential Dwelling** shall mean a dwelling in which more than one family resides.
- AA. **MG/L** shall mean milligrams per liter.
- BB. **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- CC. **Normal Domestic Strength Wastewater** shall mean a sewage or other wastewater effluent which shall be a compatible pollutant as defined in Item J of this Section with BOD. of 300 milligrams per liter or less, suspended solids of 300 milligrams per liter or less, and total phosphorous of 12 milligrams per liter or less.
- DD. **NPDES Permit** shall mean a permit issued pursuant to the National Pollution Discharge Elimination System.
- EE. **Operation and Maintenance (O & M)** shall mean all work, materials, equipment, utilities and other effort required to operate and maintain the System, including the cost of replacement, wastewater collection, transportation, and treatment of effluent consistent with adequate treatment of wastewater to produce an effluent in compliance with the NPDES Permit and other county, state and federal regulations, if any.
- FF. **O & M Charge** shall mean the charge assessed to users of the System for the cost of operation and maintenance (including the cost of replacement) of the System.
- GG. **Person** shall mean the individual, firm, company, partnership, association, society, group or corporation, public or private.
- HH. **pH** shall mean a measure of relative acidity or alkalinity of a substance.
- II. **Plumbing Inspector or Inspector** shall mean the appointed inspector of the County Board of Public Works (BPW).

- JJ. **Private Sewage Disposal Systems** shall mean any septic tank, lagoon, cesspool, or other facilities intended or used for the disposal of sanitary sewage other than via the public sanitary sewer.
- KK. **Properly Shredded Garbage** shall mean the waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers with no particles greater than one-half (1/2") inch in any dimension.
- LL. **Property Owner** shall mean the person or persons having legal title to the premises according to the Township tax records and shall include in the case of land contract sale, the land contract vendee or vendees, provided that the Township has been furnished with a copy of said land contract or assignment.
- MM. **Public Sewer** shall mean the sanitary sewer that is installed along roadways and private easements that serve more than one grinder can unit.
- NN. **Replacement** shall mean the obtaining and installing of any equipment, accessories, and appurtenances which are necessary during the service life of the System to maintain the capacity and performance to which such system was designed and constructed and to preserve its financial integrity.
- OO. **Residential Equivalent or Equivalent Unit** shall mean the factor representing a ratio of the estimated sewage generated by each user class to that generated by the normal single family residential user. The designation RE shall mean Residential Equivalent.
- PP. **Residential User** shall mean the user of the System whose premises or building is used primarily as a residence for one or more persons including dwelling units such as detached, semidetached, row houses, mobile homes, apartments, or permanent multi-family dwellings.
- QQ. **Sanitary Sewage** shall mean the liquid or water-carried waste discharge from dwellings, (including apartment houses, motels and hotels), office buildings, factories, or institutions.
- RR. **Sanitary Sewer** shall mean the conveyance which carries sanitary sewage and into which storm water, surface and ground waters are not intentionally admitted.
- SS. **Service Area** shall mean the limits that the sewer System could potentially serve.
- TT. **Service Lead** shall mean the 1 ¼" HDPE lead from the grinder can to the Collection Main.
- UU. **Sewage** shall mean sanitary sewage, storm water, industrial waste, groundwater and uncontaminated industrial waste, or any combination of the above.
- VV. **Sewer Advisory Committee** shall mean the committee formed to meet regularly and review the operations, maintenance and administration of the sanitary sewer System and make recommendations to the Township.

- WW. **Sewage Treatment Facility** shall mean the treatment facility and appurtenances designated to receive and treat raw sewage from the properties located in the service area and served by the System.
- XX. **Sewer** shall mean a pipe or conduit and appurtenances for transmitting or carrying sanitary sewage including any devices necessary for pumping, lifting, or collecting such sewage.
- YY. **Shall** and **May** shall have the following meanings: Shall is mandatory; May is permissive.
- ZZ. **Special Assessment District** shall mean any special assessment district for the Township sanitary sewer and sewage treatment facility which was established by a Resolution of the Township Board for the purpose of defraying, in whole or in part, the cost of the System.
- AAA. **Standard Industrial Classification (SIC)**. A Classification pursuant to the Standard Industrial Classification Manual (SICM) issued by the Executive Office of the President, Office of Management and Budget, 1972.
- BBB. **Storm Sewer** shall mean a sewer intentionally designed for receiving and conveying storm, surface and groundwater and into which sanitary sewage shall not be admitted.
- CCC. **Storm Water** shall mean water generated from rainfall.
- DDD. **Structure in which Sanitary Sewage Originates** shall mean a building in which a toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.
- EEE. **Surcharge** shall mean the additional charge which user discharging wastewater having strength in excess of the limits set by the Township for transmission and treatment within the sanitary sewage System will be required to pay to meet the cost of treating such excessively strong wastewater. A surcharge can also apply to additional volumes of wastewater than established by this Ordinance as contributed to the System from a sewer connection.
- FFF. **Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in the water, sewage or other liquids and which are removable by laboratory filter.
- GGG. **System** shall mean the complete Township Wastewater Collection and Treatment System.
- HHH. **Table of Unit Factors** shall mean that Table of Unit Factors adopted under Section 8C of this Ordinance, and attached to this Ordinance as Attachment A, which shall be utilized to identify the various classifications of sewer usage and establishing as Residential Equivalents (or RE) the ratio of such use of the System to that of a single family residence in the event that there is no water meter.
- III. **Transmission Main** shall mean the principal pipe in the System that transports sewage from the pump station to the sewage treatment facility. Refer to Collection Main for pipe located upstream of the pump station. Transmission main pipe does not collect sewage.

- JJJ. **Township** shall mean the Township of Sidney, Michigan.
- KKK. **User Class** shall mean the kind of user connected to the sanitary sewers including but not limited to Commercial, Governmental, Industrial, Institutional, and Residential Users as defined under Items I, R, V, X and PP respectively, of this Section 3, Definitions.
- LLL. **Wastewater** shall mean water which contains, or previous to treatment has contained, pollutants, such as sewage and/or industrial wastes.
- MMM. **Water Course** shall mean an open channel, either natural or artificial in which flow of water occurs, either continuously or intermittently.

Section 4 OPERATION AND MAINTENANCE AND CONTROL.

The operation and maintenance of the System shall be under the supervision and control of the Township and/or any County contract, including the Sidney Township Sewage Disposal System Sewage Disposal Service Agreement dated August 1, 2009, which shall be agreed upon between the Township and the County. Pursuant to the terms of this Ordinance and such contracts, the Township has retained the exclusive right to establish, maintain, and collect rates and charges for sewage collection, treatment, transmission and debt service, and in such capacity the Township may employ such person or persons in such capacity or capacities as it deems advisable, and may make such rules or regulations as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the System, to discharge its financial obligations, and collection of rates and charges as herein provided.

Section 5 USE OF PUBLIC SEWERS REQUIRED; PRIVATE SEWAGE DISPOSAL.

- A. **MANDATORY CONNECTION REQUIREMENT.** Each and every owner of property on which is located a structure in which sanitary sewage originates, which is serviced by an available public sanitary sewer system, as defined by this Ordinance shall, at his own expense, install suitable toilet facilities in said structure, and shall cause such facilities to be connected to the available public sanitary sewer system, in accordance with this Ordinance. The Township may require any such owners, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.
- B. **CONNECTION PROCEDURES.**
 - 1. After the initial construction of the sewer System, properties will have six (6) months to connect to the grinder cans. The BPW will give written notice indicating the availability of the public sanitary sewer to the owner, which will begin the six month period.
 - 2. Each property shall have its own grinder can. Grinder cans cannot be shared with adjacent property owners. One grinder can shall serve each residence. If there is more than one dwelling unit on a property, each shall have its own can. A garage, pole barn, or boat house or other building, accessory to a dwelling unit, with a sink or

toilet facility, not intended for use as, or used as, a dwelling unit, does not require its own grinder can in addition to the grinder can used for the dwelling unit.

3. **Adverse Weather Exception for Late Connection.** In the event the property owner is unable to connect to the System within the time prescribed by this Ordinance due to or on account of inclement or adverse weather conditions, said property owner may appeal to the BPW to allow said person additional time in which to connect without penalty and without civil and criminal proceedings being initiated against him. The foregoing notwithstanding this appeal shall be made in writing within ten (10) days of notice of sanitary sewer availability.

C. **ENFORCEMENT OF MANDATORY CONNECTION REQUIREMENTS.**

1. If a structure in which sanitary sewage originates is not connected to an available sanitary sewer System within the given timeframe identified above, the BPW shall notify said property owner by written notice that connection to the System is required forthwith. The giving of said notice shall be made by first class or certified mail to the property owner on which the structure is located or by posting such notice on the property. Notice shall provide the owner with the approximate location of the public sanitary sewer System which is available for connection of the structure involved and shall advise the owner of the requirements and the enforcement provisions of this Ordinance and Sec. 12751 through 12758 of Act 368 of Public Acts of Michigan 1978 as amended.
2. **Civil Penalty for Late Connection.** Persons who fail or refuse to connect to the System within the time prescribed shall be liable for a civil penalty of Five Hundred Dollars (\$500.00) for each single family residential unit multiplied by the number of units and/or multiplying factors as established by the Table of Residential Equivalents.
3. **Civil Action for Late Connection.** In the event that the required connection is not made to the System within six months after the date of mailing or posting of the written notice, the Township may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the available public sanitary sewer system.
4. **By Criminal Proceedings.** Any violation of this Ordinance including failure to comply with the mandatory connection requirements of this Ordinance shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), and costs of prosecution, or incarceration for a period of not more than ninety (90) days or both, such fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance shall continue shall be construed to constitute a separate offense.

D. PROHIBITED DISCHARGES AND CONNECTIONS.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited upon any public or private property within the Township (or any area under its jurisdiction) any human excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Township any sewage or other polluted water except where suitable treatment has been provided in accordance with standards established by the State, U.S. EPA and this Ordinance.

E. PRIVATE SEWAGE DISPOSAL SYSTEMS.

1. Except where a public sanitary sewer System is not available within 200 feet of the dwelling unit, or other structure where sanitary sewer originates, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or industrial waste. Any existing facilities shall be disconnected and abandoned per Health Department requirements if a public sewer is available.
2. Where a public sanitary sewer is not available under the provisions of Section 5 of this Ordinance, the building sewer shall be connected to a private sanitary sewer disposal system which shall be approved by the Health Department.
3. At the time that there is service by an available public sanitary sewer System to a structure that is served by a private sewage disposal system it shall connect to the public System in compliance with this Ordinance, and any septic tank, cesspools and similar private disposal facilities located on the property shall be abandoned and discontinued for sanitary sewage disposal use.
4. All private sewage disposal systems maintained in compliance with this Ordinance shall be maintained in a sanitary manner at all times at the sole expense of the owner.
5. Consistent with State and County requirements, all abandoned private sewage disposal system tanks shall be completely filled with earth, sand, gravel, concrete or other approved material. Upon the abandonment or discontinuation of use of a septic tank or privy, the sewage and sludge contents shall be completely removed and disposed of by a septic tank cleaner who is duly licensed under provisions of Act No. 181 of the Public Acts of 1986. The tank, or the pit in the instance of a privy, shall be treated with at least 10 pounds of chlorinated lime or other chemical disinfectant acceptable to the Health Department. Then the tank or pit shall be completely backfilled with approved material and made safe from the hazard of collapse or entrapment. The drainfield may continue to be used for water softener discharges or sump pump drain connections.

Section 6 BUILDING SEWERS, CONNECTION AND REPAIRS.

A. BUILDING SEWER REGULATIONS.

1. A separate and independent building sewer (lead) shall be provided for every building in which sanitary sewage originates.
2. All costs and expense incident to the installation of the building sewer and the connection of same to the public sewer shall be borne by the property owner.
3. All building sewers (leads) shall meet or exceed all requirements of this Ordinance.
4. Building Sewer installed shall consist of pipes and fittings of the following types and sizes:
 - a. Building sewer pipe must be of sufficient diameter to carry the estimated volume of discharge. Minimum pipe size permitted is four (4") inch inside diameter (ID) on private property from the home to the grinder can.
 - b. Building sewer pipe must be one of the following materials and cannot be mixed in the connection lines, including the materials for the fittings.
 - (1) Ductile iron with rubber-type gaskets, slip joint or mechanical joint.
 - (2) Polyvinyl chloride (PVC) pipe type 1, Schedule 40 ASTM D 1785 push-on type joints.
 - (3) Polyvinyl chloride (PVC) ASTM D 3034 (SDR35) with ASTM D 3212 push-on type joints.
 - a) No tees, double tees, or crosses, or double hub pipes shall be permitted; and
 - b) All changes in grades shall be made with appropriate 1/8 bends.
5. Cleanouts shall be installed every ninety (90') feet of straight run and at each 90 degree direction change, (two forty-five-degree connections). All cleanouts shall be capped, and shall be accessible at all times to the BPW.
6. All lines shall be laid at a minimum one-eighth (1/8") inch per foot grade and a maximum one-half (1/2") inch per foot grade for four (4") inch or six (6") inch building sewers.
7. The method to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the current Plumbing Code Rules, issued by the Michigan Department of Labor, Construction Code Commission.
8. No building sewer shall be laid within three (3') feet of the outside bearing wall of a building. The depth shall be sufficient to afford protection from frost.
9. In all buildings in which any building sewer is too low to permit gravity flow to the grinder can, sanitary sewage carried by such drain shall be lifted by a separate private pumping system and discharged to the building sewer.

10. All excavation for building sewer installation, connection and repair shall be pursuant to appropriate permits and shall be adequately guarded by barricades and lighting so as to protect the public from hazard. Streets, sidewalks, alleys, parkways, and other property disturbed in the course of the installation and construction work shall be restored in a manner satisfactory to the BPW.
11. All building sewers servicing a building containing more than two (2) residential units shall, in addition to the other requirements herein, be air tested, as witnessed by the BPW, and approved by the BPW.

B. CONNECTION REGULATIONS.

1. No person shall uncover, make any connections with or openings into, alter or disturb any public sewer, building sewer, or appurtenances without first obtaining a written connection permit from the BPW.
2. The fee for the connection permit shall be an amount established by Ordinance or resolution of the Township. In addition, the applicant shall pay to the BPW any delinquent or outstanding special assessment installments that are due and owing to the Township at the time of applying for a connection permit. The approval of the connection permit application shall be subject to: compliance with this Ordinance, Health Department regulations, State requirements and applicable permits, capacity in the System, execution of any necessary easements, and compliance with any other applicable Township or BPW requirements.
3. The owner or contractor applying for a connection permit will receive three (3) copies of the approved permit from the BPW, one copy for the contractor, one copy for the property owner, with the third copy to be returned to the BPW with a sketch of the installation showing all dimensions, directions, and other important information concerning the installation. The latter copy will remain the property of the BPW.

An inspection, consistent with the requirements as set by the Board of Public Works, shall be required of the building sewer, as defined from the home to the grinder can, and the interior plumbing, to confirm there are no illegal connections to the System.

4. The property owner applying for a connection permit will also receive two (2) copies of the required easement document from the BPW. Execution of this easement document will grant an easement to the BPW for access to install, maintain, clean and repair the grinder can unit and the service lead to the collection main. The owner shall sign both copies and have them both notarized, and then submit one copy to the BPW for recording at the County. The other copy is to be retained by the property owner. If the easement is not recorded prior to construction bids being received, the property owner is responsible for any and all additional costs for relocating the grinder can from the right of way onto the property in the location they desire.
5. No connection to the System will be permitted unless there is capacity available in all downstream sewers, lift stations, transmission mains, and the sewage treatment

facility, including capacity for treatment of BOD, Total Phosphorus, Ammonia-Nitrogen, and Total Suspended Solids.

6. All connection and/or repairs to the System will be made by a contractor or licensed plumber registered with the BPW provided, however, that a property owner may make his own installation and connection of the building sewer so long as he has:
 - (1) secured a connection permit; and
 - (2) attended the required training session; and
 - (3) signed a waiver to indemnify and hold harmless the Township and BPW against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence by the property owner or their agent, in regards to work in connection with the installations, connections or repairs, or breach of this Ordinance or any rule or regulation relating thereto; and
 - (4) has provided proof of valid, effective homeowners insurance to the BPW for underground work in a minimum amount of \$100,000 prior to performing any construction for installation and/or connection or repairs. All contractors and homeowners shall be required to attend a mandatory training session in order to qualify to install the building sewer for a dwelling unit in the System.
7. All contractors and plumbers making connections and/or repairs to the collection main shall file a license and/or a permit bond with the BPW in the amount of \$10,000.00 or such amount as the BPW shall require, and in addition shall provide the BPW with a copy of their plumbers' or contractors' license from the State of Michigan and a copy of their liability insurance policy (providing a minimum of \$100,000/\$300,000 personal liability protection and \$500,000 property damage protection) prior to performing any connections or repairs to the System. Said bond shall indemnify and hold harmless the Township and the BPW against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence by the contractors or their subcontractors in connection with connections, repairs or installations, or breach of this Ordinance or violation of any rule or regulation relating thereto. The BPW may, upon notice of a violation, revoke the connection permit issued under this Section. Said revocation shall become final unless the permit revocation is reversed by the BPW. Said bond shall remain in effect for one year, and upon expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.
8. No person shall connect roof down spouts, foundation drains, area way drains, swimming pool drains, sump pumps or any sources of surface or groundwater to a building sewer which in turn is connected to the Township System.
9. No person shall connect any water softeners, reverse osmosis or any other water treatment system waste to the Township System.
10. No building sewer shall be covered until after it has been inspected and approved by an authorized inspector of the BPW, for compliance with the terms of this Ordinance and any other applicable ordinances and regulations.

11. Any construction of a sanitary sewer within the public right of way which is required after completion and acceptance of the public system described herein shall be charged to the property owner requesting connection. Said charge shall be the actual cost of such construction plus ten (10%) percent for administrative expense.
12. The owner of a premise located within the service area and served by an available public sanitary sewer who legally divides the premises shall be required to extend the public sewer system such that all resulting divisions of the parent parcel are served by an available public sanitary sewer System.
13. At each dwelling unit, the BPW owns and is responsible for the maintenance, cleaning and repair of the following: grinder can unit, service lead from the grinder can to the collection main, grinder can control panel and electrical wiring from the grinder can to the control panel. Each homeowner owns and is responsible for the maintenance, cleaning and repair of the following: building sewer from the dwelling up to the grinder can unit and the electrical wiring from the main electrical panel to the grinder can control panel.
14. At each commercial, institutional, or industrial facility that has a flow meter used to measure flow for billing purposes, the System shall own, operate and maintain up to and including the meter and any structure it may be housed in. The user is responsible for the operation, maintenance and repair of any building sewer and facilities up to, but not including the meter.

Section 7 USE OF THE PUBLIC SEWER.

A. STORM, GROUND AND UNPOLLUTED WATER.

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, or roof water to any sanitary sewer.
2. Storm water, groundwater and all other unpolluted drainage (including noncontact industrial cooling water) shall be discharged into storm drains or into a natural outlet suitable for said purpose.

B. GREASE, OIL AND SAND INTERCEPTORS (TRAPS).

1. Grease, oil and sand interceptors (traps) shall be provided at the expense of the property owner when liquid wastes may contain grease, oil, and sand in excessive amounts. All interceptors shall be of a type and capacity approved by the BPW 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 of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gas tight and watertight.

2. 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.

C. **PROHIBITED DISCHARGES-PRELIMINARY TREATMENT.** No user shall introduce or cause to be introduced into the municipal sewer System any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Township System, whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

Specific Prohibitions. No user shall introduce or cause to be introduced into the municipal sewer System the following pollutants, substances, or wastewater:

1. Containing a five (5) day BOD greater than three hundred (300) MG/L or containing more than three hundred fifty (350) MG/L of suspended solids; or
2. Having a temperature greater than 150°F (65.5°C) or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104°F (40°C); or
3. Having a chlorine demand of more than fifteen (15) milligrams per liter; or
4. That contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the municipal System receiving the waste; or
5. With total phosphorous concentrations greater than twelve (12) milligrams per liter as phosphorous, and total ammonia concentrations greater than 35 mg/L shall be subject to review and approval for acceptance by the Township; or
6. Containing more than 100 milligrams per liter, by weight, of fat, oil or grease; or
7. Containing pollutants which create a fire or explosive hazard in the municipal sewer System, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C). Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive, liquid, solid, or using the test methods specified in 40 CFR 261.21; or
8. Containing any garbage that has not been properly shredded; or
9. Containing any ashes, cinders, sand, mud, straw, shaving metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substances capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works; or
10. Containing any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the Sewage Treatment Facility, or to constitute a hazard to humans or animals, or create any hazard in the receiving waters of the treatment facility; or

11. With any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent maintenance or repair; or
12. With any industrial waste that may cause a deviation from the NPDES permit requirements, prohibit the land application of sludge, pretreatment standard, and all other State and Federal regulations; or
13. Containing any waters or wastes having a pH lower than 5.50 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works; or
14. Any waste or backwash streams from water softeners, reverse osmosis or other water treatment systems.

Preliminary treatment shall be provided, at no expense to the Township, as may be necessary to reduce any item listed in Section 7 C or to reduce objectionable characteristics of said effluent to within the maximum limits, or to control the quantity and rates of discharges of such waters or wastes. On direction of the Township and/or BPW, a person may be required to remove, exclude, or require pretreatment of any industrial waste in whole or in part for any reasons deemed to be in the best interest of the Township.

Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained in satisfactory and effective operation at no expense to the Township. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the Township/BPW and no construction of such facility shall be commenced until said approvals are obtained in writing. The Township or BPW may elect to treat industrial wastes, discharged in excess of normal domestic concentrations on a basis prescribed by written agreement and for an established charge to cover the added cost. All such preliminary treatment or pretreatment shall be in accordance with Federal and State laws and regulations.

All measurements, tests and analysis of the characteristics of waters and wastes to which references are made in paragraph C shall be determined in accordance with the most recent edition of Standard Methods for Examination of Water and Wastewater.

D. INDUSTRIAL WASTES.

1. The owner of any property served by a building sewer carrying industrial wastes shall be required by the Township to install, at the owner's sole expense, a suitable control manhole or other structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, or structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Township. The manhole or structure shall be maintained by the owner so as to be safe and accessible at all times.

2. **Accidental Discharges.** Where required, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township Engineer or designee for review and shall be approved by the Township before construction of the facility. All required users shall complete such a plan within ninety (90) days after connection to the sanitary sewer System. In the alternative, non-domestic users that currently have state required Pollution Incident Prevent Plans (PIPP) may submit the PIPP plan in satisfaction of this requirement. If required by the Township, a user who commences contributions to the System after the effective date of this Ordinance shall not be permitted to introduce pollutants into the System until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Township and BPW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action.

3. **Written Notice.** Within five (5) days following an accidental discharge, the user shall submit to the Township and BPW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the System, fish kills or any other damage to person or property; of any fines, civil penalties or other liability which may be imposed by this Ordinance or other applicable law.

4. **Verbal Notice.** Any industrial user in the event of an accidental or other unauthorized discharge of prohibited materials to the System, shall immediately notify the Township and BPW of the fact of such discharge and shall:
 - a) Describe with particularity the approximate time of the discharge; and
 - b) Describe the nature, chemical and biological make-up and characteristics of the discharge, if known; and,
 - c) Indicate the approximate quantity of the discharge.

In addition, said industrial user shall, at its own expense, take all steps directed by the Township to terminate such discharge and prevent its recurrence. Failure to cooperate fully with the Township and BPW in the prevention of additional prohibited discharge, including such treatment as required, may result in termination of service and revocation of the permits required herein.

5. **Notice to Employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of an accidental discharge. Employers shall insure that all employees who could cause or suffer from such an accidental discharge are advised of the emergency notification procedure.

Section 8 SYSTEM CHARGES AND RATES.

- A. Upon adoption of this Ordinance by the Sidney Township Board, and consistent with the Sidney Township Sewage Disposal System Sewage Disposal Service Agreement, dated August 1, 2009, charges for sanitary sewer transmission, treatment and disposal and debt service to each user connected to the System shall be established by resolution of the Township Board, which resolution is hereby expressly confirmed as applicable to sanitary sewer transmission and treatment, disposal and debt service charged to each user connected to the System. All bills for service under this Ordinance shall be rendered to the property owners or land contract vendee(s) of the property using said sanitary sewer service at a frequency as determined by resolution.
- B. **SINGLE FAMILY HOMES.** Each single family residential premises shall be presumed to generate a flow to the Township Sanitary Sewer System of 189 gallons per day of wastewater flow.
- C. **TABLE OF UNIT FACTORS.** For all other uses of the System and except as otherwise provided, the Township Board hereby adopts a Table of Unit Factors attached to this Ordinance as Attachment A and incorporated by reference and made part of this Ordinance as if fully set forth herein. Said Table of Unit Factors shall set forth and identify the use class and all applicable factors to be multiplied by the O&M charge established for single family residential premises, which is hereby designated as a Residential Equivalent Unit (REU). Said Table of Unit Factors may be modified or amended from time to time by resolution of the Township Board.
- D. **RULES FOR INTERPRETING TABLE OF UNIT FACTORS.**
1. The minimum equivalent factor for all users shall be one (1.0) REU.
 2. Equivalent units for a user not originally contained in the Table of Unit Factors may be added to the Table from time to time by resolution of the Township Board.
- E. **REVISION OR MODIFICATION OF EQUIVALENT UNITS.** The Equivalent Units of users having an Equivalent Unit Factor of more than one (1.0) REU may be reviewed, revised or modified by the Township Board at any time by resolution, unless prohibited by the Sidney Township Sewage Disposal System Sewage Disposal Service Agreement, and such revision or modification shall take effect on the first day of the billing cycle after such revision or modification is adopted.
- F. **APPEAL.** A property owner having an Equivalent Unit Factor of more than one (1.0) may appeal its Equivalent Unit Factor to the BPW on behalf of the Sidney Township Board by filing written appeal within thirty (30) days after its Equivalent Unit Factor is established, revised or modified.
- G. **EFFECTIVE DATES FOR APPLICATION OF EQUIVALENT UNIT FACTORS.** Where Equivalent Unit factors are used to determine the connection fee, O&M charge, or other user charges, the Equivalent Unit Factor used in the calculation of such fees or charges shall be the Equivalent Unit Factor assigned to said user as of the following dates:

1. For calculating an initial connection fee: the date the property owner applies for the permit or the last day of the period during which he is required by this Ordinance to connect to the System, whichever comes first.
 2. For calculating additional connection fees: the date the user expands or alters the use of his premises beyond the use considered in the establishment of the initial connection fee.
 3. For calculating the operation and maintenance charges: the date the user's available sanitary sewer becomes operational and thereafter on the first day of the billing cycle following the Township Board's revision or modification of the user's Equivalent Unit Factor.
- H. **OPERATION AND MAINTENANCE CHARGES.** These are costs associated with operating and maintaining the sanitary sewer collection, transmission and treatment System including grinder cans, sewer services, collection mains, pump stations, transmission mains, lagoons and irrigation systems. These costs also include administrative and replacement costs associated with system operation and maintenance. O&M charges are paid by all individuals connected to the System, and consistent with the Sidney Township Sewage Disposal System Sewage Disposal Service Agreement. O&M charges commence when the building sewer is connected to the grinder can and do not cease or cannot be suspended unless the dwelling is removed. O&M charges will continue to accrue even if the dwelling is vacant.
- I. **OPERATION AND MAINTENANCE SURCHARGE.** The rates and charges set forth in this Ordinance notwithstanding, if the character of the sewage of any user imposes an unreasonable or additional burden upon any part of the Township Wastewater Collection and Treatment System, an additional charge shall be made over and above the rates otherwise established by this Ordinance. Wastewater in excess of the maximum limitations imposed by this Ordinance shall be subject to surcharge. If necessary to protect the System or any part thereof, the Township shall deny the right of any user to discharge such sewage into the System. Initially, the surcharge applicable to industrial users shall be set forth in SECTION 9 OPERATION AND MAINTENANCE SURCHARGE.
- J. **USAGE OVERTAGE SURCHARGE.** Each grinder pump has an hour meter reading that displays the hours of operation of the grinder pump. If the hour readings exceed 100 hours in any given year, a surcharge may be applied as determined by the Township and BPW. The amount of the surcharge will be established by resolution by the Township Board.
- K. **INSPECTION FEES.** The cost of connecting private premises to the Township Sanitary Sewer System shall not be paid from the proceeds of any bond issue. In addition, each premise connecting to the facilities of the System shall pay a charge for the inspection of such connection, as may be established from time to time by the Township by resolution.
- L. **REPLACEMENT FEE.** If a grinder can, grinder pump, sewer service, valves or controls require replacement or repair due to the negligent or destructive acts by the property owner, the property owner shall be responsible for all costs associated with the repair and/or

replacement. This includes any acts in violation of the provisions of this Ordinance. Components requiring repair due to normal operations and usage will be paid for out of the Replacement Fund.

M. CONNECTION FEE.

1. The owner(s) of every premises required by Section 5 to connect to the System shall pay a connection fee. Those premises that have been subjected to the special assessment in the Special Assessment District are deemed to have already paid the connection fee.
2. Those persons owning lands within the service area whose lands have not been subjected to the Special Assessment District to pay for the construction of the System, and who desire to make connection to said sewer, shall pay a connection fee for the privilege of each connection to said sewer. Such connection fee shall be as established from time-to-time by resolution of the Township Board of Sidney Township. Such connection fee shall be paid in cash or in installments, with interest and penalties, all as shall be established and provided from time-to-time by resolution of the Township Board of Sidney Township. Such connection fee shall be in addition to such other charges or fees as may be required under this Ordinance.
3. The basis of such connection fee will be computed by calculating the amount of the connection fee paid per original one (1) Residential Equivalent Unit (REU) during construction of the System plus an inflationary factor. Single family residences connecting to the System shall pay such connection fee for one (1) REU. All premises other than single family residences connecting to the System shall pay such connection fee for each Residential Equivalent (REU) as computed in the Table of Unit Factors. Whenever a user other than a single family residential user increases its demand for wastewater services due to facility expansion, change in facility usage, or other reason, the Township Board shall review that user's REU Factor and may assign a new REU Factor. If a new REU Factor is established for an existing user, said user shall be required to pay, in cash, an additional connection fee equal to the then-established connection fee for one REU multiplied by the increase established in the user's REU Factor. The amount of the connection fee may be modified from time to time by the Township Board as may be required to recover the Township's capacity costs in the System.
4. For those vacant parcel properties who received a stub during the construction of the System, the parcel owner shall notify the BPW when they want their grinder can installed. The parcel owner or contractor shall apply to the BPW for a connection permit. The BPW will provide the can, pump and control panel for installation by the parcel owner's contractor. See Section 6 for connection requirements.
5. Voluntary connections for owners or premises outside the Special Assessment District may be allowed, subject to the capacity of the collection and treatment systems to support and treat such additional wastewater.

- a) The owner shall pay the actual cost of all pipes, risers, stubs, wyes or other apparatus and the cost of all labor necessary to accomplish said connection, in addition to any inspection fee charged by the BPW and any connection fee, or other fees or charges established by this Ordinance.
- b) The connection to, and use of, the System by such premises shall be pumped by a grinder pump.
- c) The surface of any disturbed right-of-way shall be returned to the condition at least equal to that existing before any excavation was undertaken.
- d) The owner shall obtain prior approval from the Township Board of all plans and specifications and materials to be utilized to accomplish said connection. The Township may charge the owner the actual cost incurred by the Township for the review and approval of plans and specifications, and for inspection costs incurred by the Township during construction.
- e) All valves, stubs, pipes, or other apparatus not owned by the System shall, after installation and inspection, become for purposes of operation and maintenance, the responsibility of the owner. The responsibility of BPW for operation and maintenance shall be limited to sewer mains, grinder cans, 1 ¼" sewer services, control panels, valves, manholes, lift stations, and the wastewater treatment facility.
- f) Upon voluntary connection, said owner and premises shall continue to be subject to all ordinances, resolutions, rules, fees and charges relating to the use of the System then in effect and thereafter amended.

6. **Denial of Voluntary Connection.** The Township Board may deny the application of any person for sanitary sewer use hereunder. Criteria for denial shall include, but not be limited to:

- a) Noncompliance with relevant Township and land use ordinances, regulations and plans.
- b) The effect of such proposed use upon the Township's System as a whole.
- c) The current sewer transmission and treatment capacity.
- d) Prior commitments for sewer availability.
- e) Litigation or other contingency requirements which may result in additional sewer use.
- f) Immediate or emergency health considerations.

N. **Contractual Rates.** The foregoing provisions relating to rates shall not be construed as prohibiting any special agreement or arrangement between the Township and any users or class of users whereby the sanitary waste of unusual strength or character of such user or class of users may be accepted into the System, subject to payment therefore by said user or class of users.

O. **Revision of Rates and Charges.** The rates, charges and fees established by this Ordinance shall be reviewed at least annually and are estimated to be sufficient to provide revenue for the payment of the operation and maintenance, costs, debt service charges and such other charges and expenditures of the System. Such rates, charges and fees shall be reviewed from time to time as required to maintain the fiscal integrity of the System and the same may be revised and fixed by resolution of the Township Board as may be necessary to produce the

amounts required to pay such charges and expenditures and provide the funds necessary for the maintenance of the financial integrity of the System.

- P. **Deferring Charges.** No free services shall be furnished to any user of the System, and there shall be no waiver or forgiveness of charges levied pursuant to the terms of this Ordinance. The foregoing notwithstanding, any resident eligible for deferment of payment of any fees pursuant to the laws of the State of Michigan shall be afforded ample opportunity to request such deferment or partial payment.
- Q. Nothing contained in this Ordinance shall be construed as limiting, modifying or amending any special assessments levied against properties within the Township in connection with the construction of sanitary sewers and such special assessments shall be due and payable according to the terms of the Resolutions and actions of the Township Board establishing such assessments.
- R. **ENFORCEMENT OF CHARGES.**
1. Nonpayment of special assessments and/or connection fees shall subject the property owner to liability for such charges and additional penalties and fees as provided under this Ordinance.
 2. Sewer rates and charges shall be a lien on the respective premises served by the System. Whenever sewer rates and charges shall be unpaid for 60 days or more they shall be considered delinquent. The Township shall be notified of such delinquencies on or before September 30th of each year and the Township shall certify all delinquent sewer rates and charges and, annually, on or before September 30th of each year, to the tax assessing office of the Township, who shall enter the delinquent sewer rates and charges, interest and penalties, upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such premises.
- S. **LATE CHARGES.** If any late charge for the services of the sewer, which has been billed to a customer of the System, shall not be paid within 60 days of the due date specified on the bill, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added to and collected.

Section 9 OPERATION AND MAINTENANCE SURCHARGE.

- A. Cost recovery surcharges for BOD, Ammonia-Nitrogen, Total Phosphorous as P, and Total Suspended Solids are hereby established as follows:

1. For operation and maintenance (including replacement) the cost recovery surcharge for excess pollutants shall be as follows:

Pollutant	Threshold Limit without surcharge	Surcharge per pound of pollutant in excess of threshold limit
BOD	300 mg/l	\$0.10
Total Suspended Solids	300 mg/l	\$0.10
Total Phosphorous as P	12 mg/l	\$1.00
Ammonia Nitrogen	35 mg/l	\$1.00

- B. Surcharges shall be collected with the sewer service billings.
- C. The rates established herein for cost recovery surcharge may be revised by resolution of the Sidney Township Board and the Township by resolution shall establish when such rates shall be billed and paid.
- D. In addition to requiring the industrial user to install a manhole to monitor the strength of its industrial waste pursuant to the terms of this Ordinance, the industrial user may be required by the Township, at its sole discretion, to install at the users expense, an approved meter to register accurately all water flowing to the System for purposes of implementing the foregoing rates and the service charges established under the terms of this Ordinance.

Section 10 FISCAL YEAR, RECORDS AND FUNDS.

- A. The fiscal year of the System shall end September 30th.
- B. The BPW shall keep and maintain proper books and records and accounts, separate from all other records and accounts of the BPW in which shall be made full and correct entries of all transactions relating to the System. The BPW shall cause an annual audit of such books and records and accounts of the preceding operating year to be made by Montcalm County.
- C. The Sewer Advisory Committee shall review not less often than every two (2) years the wastewater contribution of users, the total costs of operation and maintenance of the treatment works and collection system, and its approved user charge system. The Sewer Advisory Committee shall make recommendations to the Township to revise the charges for users to ensure sufficient revenue is generated to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the collection system and treatment facility.
- D. **ESTABLISHMENT OF FUNDS.**
 1. **Operation and Maintenance Fund (O & M Fund).** The sewer billings and other revenue shall be entered into a depository account designated as the operation and maintenance fund a sum sufficient to provide for the next succeeding period of all current expenses in the administration and operation of the System.

2. **Contract Payment Fund (Debt Service Fund).** The contract payment fund shall be used solely for the payment of the obligation to retire the principal and interest on any bond issues for construction and/or expansion of the System. Should the revenues of the System prove insufficient for this purpose, such revenues shall be supplemented by other funds of the Township legally available for such purposes.
 3. **Replacement Fund.** The replacement fund shall be used for the payment of expenses associated with replacing equipment and infrastructure as needed.
- E. **BANK ACCOUNTS.** All monies belonging to any of the foregoing funds or accounts may be kept in one bank account in which event the money shall be allocated on the books and records of the BPW within the single bank account in the manner set forth above.
- F. **DEFICIENCIES IN FUNDS.** In the event the monies in the operation and maintenance fund are insufficient to provide the current requirements of the operation and maintenance fund or contract payment fund, any monies and/or securities or other funds of the System, except funds in the contract payment fund derived from tax levies, may be transferred to such fund, to the extent of any deficiency therein. In the event of such deficiency, rates and charges shall be adjusted to eliminate such deficiency and in addition, shall be utilized to repay any funds borrowed for payment of such deficit.
- G. **INVESTMENT OF FUNDS.** Monies in any fund or account established by the provisions of this Ordinance may be invested or deposited in obligations of the United States of America in a manner and subject to any limitations set forth in the laws of the State of Michigan. Income received from such investments shall be credited to the fund from which said investments were made, and pro rata in the case of a single bank account.
- H. **INSURANCE.** The Township may maintain and carry insurance on all physical properties of the System, of a kind and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sanitary sewage disposal Systems. All monies received from losses under any such insurance policy shall be applied solely to the replacement and restoration of the property damaged or destroyed.

Section 11 MISCELLANEOUS PROVISIONS.

- A. **PROTECTION FROM DAMAGE.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with the System or any component thereof.
- B. **INDUSTRIAL USE OF SYSTEM.** Any industry or industrial structure discharging or desiring to discharge industrial waste to the System shall provide the Township with the following information or material:
1. A written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or to the pertinent characteristics of the wastes.

2. A plan map of the building, works, or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described, and the waste stream identified.
 3. Test samples and reports to the Township and to the appropriate State agencies on characteristics of wastes on a schedule, at locations and according to methods approved by the Township and the State of Michigan.
 4. Place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specified supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
 5. Report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as these factors may pertain to waste control.
 6. Maintain records and file reports on the final disposal of specified liquid, solid, sludges, oils, radioactive materials, solvents, or other waste.
 7. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Township, subject to approval by the Township and by appropriate State of Michigan agencies.
- C. **SELLING CAPACITY.** If an existing property owner removes a dwelling on their property and sewer service is no longer required, the property owner will continue to pay their special assessment unless they sell their capacity in the form of an REU. Vacant lots that requested to be included in the special assessment district may also sell their REU. All sales of REUs shall be approved by the Township or BPW. Adequate capacity of the System shall be verified prior to authorization of any sale of REU. Any properties outside the service area would have to request capacity in the form of an REU from the Township.
- D. **CONNECTION OF PRIVATELY CONSTRUCTED SANITARY SEWER SYSTEMS TO THE WASTEWATER SYSTEM.** Before any sanitary sewer system constructed by private, as distinguished from public, funding (referred to as 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 Township with the following:
1. Provide the Township with the developer's plans and specifications for construction, an estimate of the cost of a construction, and performance guarantee, and deposit with the Township the sum of one (1%) percent of the cost of construction to cover the cost of hiring a registered professional engineer to review plans and specifications, which money shall be placed by the Township in an escrow account in the name of the developer.
 2. Obtain approval by the Township Board of the plans and specifications. Approval to connect to the System is at the sole discretion of the Township. Connection can be denied for any reason including lack of available capacity in any downstream sewers,

lift stations, transmission mains, and the sewage treatment facility, including capacity for treatment of BOD, Total Phosphorus, Ammonia-Nitrogen, and Total Suspended Solids.

3. Secure all necessary permits for construction and sign the easement for BPW access to the grinder can unit and the service lead from the grinder can unit to the collection main, as stated in Section 6.
 4. Upon commencement of construction of the private sanitary sewer, deposit with the Township in the escrow account referred to above, a sum equal to seven (7%) percent of the cost of construction to cover the anticipated cost of inspection of construction.
 5. Upon completion of construction of the private sanitary sewer, and upon recommendation of the Township Engineer and approval by the Township Board, the performance guarantee shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the Township in assuring that the private sanitary sewer is properly operating shall be deducted from or charged directly to the developer at the option of the Township.
- E. **MAINTENANCE OF PUBLIC SANITARY SEWERS AND BUILDING SEWERS.** The BPW shall be responsible to clean and maintain public sanitary sewers, but shall not clean and maintain building sewers. Building sewers shall extend from buildings to the grinder can on the property.
- F. **ADMINISTRATION.** The Township Board is charged with the responsibility of administering the System and enforcing this Ordinance. The Township has an agreement with the BPW to operate, maintain, finance and perform administrative duties for the System.
- G. **REQUIREMENTS TO CONNECT.** All new construction shall connect to the System if such property is serviced by an available public sanitary sewer system. All existing facilities shall abandon their existing private system and connect to the System if such property is serviced by an available public sanitary sewer system. Properties not serviced by an available public sanitary sewer system within the service area where sewer is not available within 200 feet may have the option to connect upon failure of their private septic system.
- H. **SERVICE AREA.** The service area is defined by the map included in Appendix B. The Township may modify or change the limits of the service area by resolution as long as there is adequate System capacity. It is also the decision of the Township as to who is required to connect to the System within the service area.
- I. **POWER AND AUTHORITY OF INSPECTORS.**
1. Duly authorized employees of the BPW, Township Supervisor or agents of the Township, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements sampling and testing in accordance with the provisions of this Ordinance.

2. Duly authorized employees of the BPW, Township Supervisor or agents of the Township, may enter at all reasonable times in or upon private or public property for the purpose of inspecting and investigating conditions or practices which may be in violation of this Ordinance or detrimental to the System.
3. Duly authorized employees of the BPW shall inspect the on-site work occurring by reason of any System permit. Such person shall have the right to issue a cease and desist order on the site upon finding a violation of said permit or of this Ordinance. The order shall contain a statement of the specific violation and the appropriate means of correcting the same and the time within which correction shall be made.
4. Any property may be inspected at any time, without prior notice, if the BPW has probable cause to believe that a condition in, or related to, that property, constitutes either a present threat to the public health, safety and welfare or a violation of this Ordinance.
5. Refusal of access, to a duly authorized employee of the BPW, or Township Supervisor or agent of the Township, following reasonable notice, will give rise to the presumption that the Ordinance is being violated and authorizes the BPW to shut off the grinder pump serving such property and obtain an order from the court of competent jurisdiction directing compliance with the inspection requirements of this Ordinance.

Section 12 GENERAL PROVISIONS.

- A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance, or equipment or other party of the System. Any person found in violation of this requirement shall be subject to the sanctions set forth in this section.

B. PENALTIES.

1. **What constitutes a violation.** Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this Ordinance. In addition, the failure, neglect or refusal to comply with a cease and desist order of the enforcing agency shall constitute a violation of this Ordinance.
2. **Criminal proceedings to punish violations.** A person violating any of the provisions of this Ordinance shall be punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars and cost of prosecution, by confinement in the County Jail for a period not exceeding ninety (90) days, or both, such fine and confinement in the discretion of the Court. Each day that a violation of this Ordinance is continued or is permitted to continue to exist shall constitute a separate offense, provided that no person shall be confined or jailed for a single but continuing violation for a period longer than ninety (90) days.

3. **Civil procedures to compel compliance.** The Township may bring a civil proceeding for a mandatory injunction or injunctive order or for such other remedial relief as will correct or remedy the violation, including damages for the costs or expenses. The Township may join in such action or actions any number of property owners.
 4. **Notification and Appeal.** The Township shall notify Users whenever rates are adjusted for any reason, including changes in charges for operation and maintenance, debt service charges and any other capital costs or capital charges. Users of the Sidney Township Sanitary Sewer System may appeal operation and maintenance charges and debt service charges and other capital costs or charges. Appeals shall be directed to the BPW in writing within ten (10) days of the notification and shall state the cause and basis for appeal. Where the appeal has merit, the BPW shall allow the appeal to be heard at an Advisory Committee meeting, with the final decision to be made by the BPW, on behalf of the Township.
 5. **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 Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment for not more than ninety (90) days, or by both.
- C. **REPEALER CLAUSE.** All other ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby expressly repealed, subject to the qualifications stated in the Savings Clause of this Section as of the date this Ordinance becomes effective.
- D. **SAVINGS CLAUSE.** This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, resolution, order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Township, County or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, resolution, order or policy, or any part thereof, hereby repealed.
- E. **VALIDITY AND SEVERABILITY.** It is the legislative intent of the Township in adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and other persons affected by this Ordinance, and consequently, should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, each holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance it being the intent of the District that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provisions hereof.
- F. **NUISANCE PER SE.** Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se.

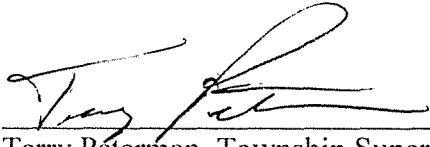
G. **EFFECTIVE DATE.** This Ordinance shall take effect thirty days after publication.

Terry Peterman, Township Supervisor

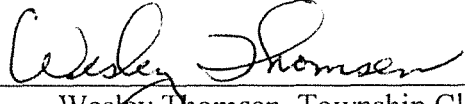
Wesley Thomsen, Township Clerk

Dated: _____

G. **EFFECTIVE DATE.** This Ordinance shall take effect thirty days after publication.



Terry Peterman, Township Supervisor



Wesley Thomsen, Township Clerk

Dated: 2/7/2011

Attachment A to Ordinance No. _____

TABLE OF UNIT FACTORS

WASTEWATER COLLECTION AND TREATMENT SYSTEM ORDINANCE

Table of Equivalent Unit Factors Where multiple businesses exists at one location (shopping centers), the various businesses will be combined for equivalents.

Usage	Residential Equivalent Unit Factor
Single Family Residential	1.0 Per Dwelling
Single Family Residential Where Business is Operated (Home Occupancy)	1.5 Per Dwelling
Auto Dealers	.40 per 1,000 Sq. Ft.
Auto Repair Shops	.30 Per Repair Stall
Banks	1.0 Per Bank
Barber Shops	.14 Per Chair
Bars	.04 Per Seat
Beauty Shops	.22 Per Booth
Boarding Houses	.16 Per Person
Boarding Schools	.27 Per Person
Body Shops	1.0 Per Ea. 15 Employees or Fraction
Bowling Alleys (No Bar or Lunch)	.16 Per Alley
Bowling Alleys (Bar and/or Lunch)	.60 Per Alley
Car Wash (a) Manual, Do-It-Yourself	2.5 Per Stall
(b) Semi-Automatic (Mechanical without a conveyer)	12.5 Per Stall
(c) Automatic with Conveyer	33.0 Per Lane

(d) Automatic with Conveyer conserving and recycling water	8.4 Per Lane
Child Care Centers	.05 Per Person
Churches	.01 Per Seat
Cleaners (Pick-Up Only)	1.0 Per Establishment
Clinics (Minimum 1.0/Profession	.50 Per Doctor
Convalescent Homes	.22 Per Bed
Convents	.20 Per Person
Country Clubs	.08 Per Person
Dairy Stores	.16 Per Employee
Department Stores (With Food)	.60 Per 1,000 Sq. Ft.
Department Stores (Without Food)	.40 Per 1,000 Sq. Ft.
Drug Stores (Without Fountain)	.40 Per 1,000 Sq. Ft.
Factories (exclusive of Excess Industrial Process Water Use)	.50 Per 1,000 Sq. Ft.
Fire Stations	.20 Per Person/24 Hr.
Fraternal Organizations (Members Only)	1.0 Per Hall
Fraternal Organizations (Members and Rentals)	2.0 Per Hall
Fruit Stand (Cleaning-Seasonal)	1.1 Per 1,000 Sq. Ft.
Garden Center (Nursery)	.16 Per Person
Government Offices	.40 Per 1,000 Sq. Ft.
Grocery Stores & Supermarkets	1.1 Per 1,000 Sq. Ft.
Hospitals	1.09 Per Bed
Hotels (private baths)	.25 Per Bed
Laundry (Self-Service)	.50 Per Washer
Lumber Yard	1.0 Per Ea 15 Employees or Fraction
Mobile Home Parks	.50 One Bedroom 1.0 Two Bedrooms or More

Motor Freight Terminals	1.0 Per Ea 15 Employees or Fraction
Motels	.25 Per Bed
Multi-Family Residence (a) One Bedroom	.5 Per Residence
(b) Two Bedroom	1.0 Per Residence
(c) Three Bedroom	1.0 Per Residence
Office Building	.40 Per 1,000 Sq. Ft.
Pets, Plants and Fish	1.1 Per 1,000 Sq. Ft.
Printing Shop	1.0 Per Ea 15 Employees or Fraction
Public Institutions (Other than Hospitals)	1.0 Per Ea 15 Employees or Fraction
Research and Testing Laboratories	1.0 Per Ea 15 Employees or Fraction
Restaurants	
(a) Conventional Type (with or without drinks)	0.13 Per Seat
(b) Quick Serve, Franchise Type, without dishes dealing mainly in hamburgers and sandwiches with or without eating in building. Example: McDonalds, Burger King, Arbys, etc.	5.6 Per Restaurant
(c) All other restaurants Includes, but not limited to: Drive-ins, Snack Bars, Carry-outs, such as Fried Chicken and Pizza. Could have limited Eating in Building without Dishes	1.8 Per Restaurant
Rooming Houses (No Meals)	.167 Per Person
Schools	1.5 Per Classroom
Sports Centers	1.0 Per Ea 15 Employees or Fraction
Service Stations	1.0 Per Station
Service Station (with Car Washing Limited)	1.25 Per Station

Stores (Other than those Specifically Listed)	1.0 Per Ea 15 Employees or Fraction
Swimming Pools	2,85 Per 1,000 Sq. Ft.
Take-Out (Beer and Liquor)	1.0 Per Ea 15 Employees or Fraction
Tennis Club	.08 Per Member
Theater (Drive-in)	.006 Per Car Space
Theaters (inside)	.0001 x Weekly hours of Operation x No. of Seats
Travel Trailer Park (Individual Bath Units)	.27 Per Cubical
Travel Trailer Park (Individual Bath Units - Seasonal Only)	.27 Per Cubical
Used Auto Sales	1.0 Per Ea 15 Employees or Fraction
Veterinarian Hospitals	2.0 Per Veterinarian
Warehouses	.10 Per 1,000 Sq. Ft.

INFORMATIONAL SOURCES:

Cincinnati Report Gordon MacDougal Report to Wayne County Manual of Septic Tank Practice –

Publication No. 526, U.S. Department of Health Oakland County Department of Public Works

Genesee County Department of Public Works New Jersey State Department of Public Works Stauder,

Barch & Associates Analysis

Attachment B to Ordinance No. _____

SERVICE AREA MAP

Attachment C to Ordinance No. __

SPECIAL ASSESSMENT MAP

