

TITLE II: UTILITIES AND SERVICES¹³

CHAPTER 3

SEWAGE DISPOSAL

Sec. 2.301. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C., expressed in milligrams per liter.
- (2) "Building Connection" shall mean the connection of the building drain to the building sewer.
- (3) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five feet outside the inner face of the building wall.
- (4) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (5) "COD" (denoting Chemical Oxygen Demand) shall mean a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand.
- (6) "City" shall mean the City of Essexville, Bay County, Michigan.
- (7) "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.
- (8) "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.
- (9) "Developer" shall mean any person constructing a private wastewater system.
- (10) "Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
- (11) "Domestic User" shall mean residential contributors to a wastewater system.

¹³ This Chapter adopted February 9, 1988, effective February 26, 1988.

- (12) "Effluent" shall mean that which flows out from a point source; outflow.
- (13) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (14) "Indirect Discharge" shall mean the discharge or the introduction of pollutants from any source into the wastewater treatment plant
- (15) "Industrial User" shall mean a source of indirect discharge of industrial waste.
- (16) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business and distinct from sanitary wastewater.
- (17) "Influent" shall mean that which flows in; inflow.
- (18) "Inspector" shall mean an authorized agent of the City of Essexville observing the construction, alteration, tapping, or repair of any public or building sewer or engaged in other work provided for herein.
- (19) "Interference" shall mean the inhibition or disruption of the wastewater treatment plant treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit
- (20) "MG/L" shall mean milligrams per liter.
- (21) "Meter" shall mean a device to measure the quantity of water or wastewater passing through it.
- (22) "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307, b, and c, of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
- (23) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or body of surface water or groundwater.
- (24) "Non-Domestic User" shall mean any contributor to a wastewater system which is not a domestic user.
- (25) "NPDES Permit" shall mean National Pollutant Discharge Elimination System Permit.
- (26) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (27) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(28) "Plumber" shall mean a plumber who is licensed and authorized to engage in plumbing work in the City in accordance with City Ordinances and State Statutes.

(29) "Plumbing Contractor" shall mean any contractor registered with the City to engage in work of a plumber.

(30) "Plumbing Inspector" shall mean that the person designated by the City to enforce plumbing code and this and other ordinances of the City or his authorized deputy, agent, or representative.

(31) "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, and industrial, municipal, and agricultural waste discharged into water.

(32) "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(33) "Premise or Premises" shall mean a structure, which cannot be completely divided in its present utilitarian condition through sale. The following are examples of what is meant by premise or premises:

- a. A building under one roof owned, leased, or occupied by one party as one business or residence; or
- b. A combination of residential buildings or commercial buildings, leased or occupied by one party in one common enclosure; or
- c. The one side of a double house having a solid vertical partition wall; or
- d. A building owned by one party having more than one internal division, such as apartments, offices, stores, etc., and which may have a common or separate entrance.

(34) "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or their properties in wastewater to a less harmful state prior to discharging or introducing such pollutants into a wastewater treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 4 CFR Section 403. 6, d.

(35) "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

- (36) "Pretreatment Standards" shall mean National Categorical Pretreatment Standards, Alternative Discharge Limits, or other federal, state, or local standards, whichever are applicable.
- (37) "Private Wastewater Disposal Facilities" shall mean any privately owned and maintained privy, privy vault, septic tank, cesspool, or outlet into any pond, ditch, lake, or other body of surface water or groundwater, or other facility intended or used for the disposal of wastewater.
- (38) "Properly Shredded Garbage" shall mean 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 one-half inch in any dimension.
- (39) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority
- (40) "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm water, surface water, and groundwater are not intentionally admitted.
- (41) "Sewer" shall mean a pipe or conduit for carrying wastewater.
- (42) "Shall" is mandatory; "May" is permissive.
- (43) "Sludge" shall mean any solid, semisolid, or liquid residual generated from municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
- (44) "Slug" shall mean any discharge of water, wastewater, 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 five times the average 24-hour concentration or flows during normal operation.
- (45) "Storm Drain" and "Storm Sewer" shall mean a sewer, which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.
- (46) "Storm Water" shall mean that part of the rainfall, which reaches the sewers as runoff from natural land surface, building roofs or pavements or as groundwater infiltration.
- (47) "Superintendent" shall mean the Superintendent of the Waste Water Facilities Department for the City or his authorized deputy, agent or representative.
- (48) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.

- (49) "User" shall mean any person who contributes, causes or permits the contribution of wastewater into the wastewater treatment plant.
- (50) "Waste" shall mean any discarded or abandoned materials, whether organic or inorganic.
- (51) "Wastewater" shall mean a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- (52) "Wastewater Treatment Plant" shall mean any arrangement of devices for treating and disposing of wastewater, industrial wastes, and sludge.
- (53) "Wastewater Works" shall mean all facilities for collecting, pumping, treating and disposing of wastewater, industrial wastes, and sludge.
- (54) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 2.302. Prohibition Against Deposit Of Unsanitary Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2.303. Prohibition To Discharge Waste Against Provisions Of Ordinance. It shall be unlawful to discharge into any natural outlet with the City, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Sec. 2.304. Prohibition Against Private Wastewater Facilities. Except as hereinafter provided, it shall be unlawful to construct, maintain, or use any private wastewater disposal facilities for the disposal of wastewater.

Sec. 2.305. Requirement Of Suitable Toilet Facilities. The owner of any house, building, or property used for human occupancy, employment, recreation, or other such purpose, situated within the City is hereby required at his expense in install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance.

Sec. 2.306. Removal Of Private Wastewater Facilities. At such times as any premises are connected to the public sewer, the owner shall complete the following:

- a. Within 30 days from the date that connection to the public sewer is completed, disconnect all connections to private wastewater disposal facilities;
- b. Fill all cesspools, septic tanks, privy vaults, dry wells, block trenches, and any other private wastewater disposal facilities in compliance with requirements of the Bay County Health Department.

Sec. 2.307. Unlawful To Make Connections To Public Sewers Without Authorization. No person, except an authorized employee of the City or persons authorized by the City, shall uncover, make any connections with or into, install, repair, alter, or disturb any public sewer, building sewer, or appurtenance thereof. A written permit for such work issued by the Plumbing Inspector shall be required for each interference with any public sewer or appurtenance thereto.

Sec. 2.308. Permits. There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) 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 drawings, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector. The applicant shall designate the person to perform the work. The person designated to perform the work shall meet the qualifications for performing such work as may be required by the Plumbing Inspector. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City at the time the application is filed and in an amount as set by the City Council by resolution from time to time.

Sec. 2.309. Payment Of Fees Required. No permit shall be issued until all charges and fees, inclusive but not limited to permit and inspection fees, connection charges, tap fees and other charges required by this and related ordinances, have been paid or provisions for the payment of the same has been made with the City Treasurer.

Sec. 2.310. Expenses To Be Borne By Owner. All costs and expenses related to and incidental to the installation and connection of the building sewer to the public sewer, including the cost of materials and metering devices as may be required, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly result from the installation of the building sewer or connection to the public sewer.

Sec. 2.311. Separate Sewers Required. A separate and independent building sewer shall be required for each premise to be connected to the public sewer.

Sec. 2.312. Existing Sewers May Be used If Adequate. Old building sewers may be used in connection with new premises only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this Ordinance.

Sec. 2.313. Rules And Codes Controlling. All sewer construction, connections, maintenance, and repairs to sewer facilities shall be subject to Rules and Regulations promulgated from time to time in accordance with the provisions of Sec. 2.343 through 2.350, and shall conform to the Building and Plumbing Codes of the City, and any other applicable codes.

Sec. 2.314. Sewer Elevation To Be Below Basement Floor. 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, wastewater carried by such building drain shall be lifted by an apparatus approved by the Plumbing Inspector, and discharged to the building sewer.

Sec. 2.315. Foundation Drains Or Surface Runoff To Sanitary Or Combined Sewer Not Allowed. No person shall make connection of roof downspouts to any sewer. Further, no person shall make connection of the foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer after the date of this Ordinance.

- a. Whenever such connections are found in any premises, the Plumbing Inspector shall notify the owner in writing in accordance with provisions hereinafter for giving notice of any violations.
- b. Such connection shall be deemed to constitute a nuisance per se.
- c. Failure to remove said connection within 30 days from the date of service of notice shall be deemed to be a separate violation of these provisions.

Sec. 2.316. 48 Hours Notice of Intent To Connect To Sewer Required. The person designated pursuant to Section 2.319 to perform the work of connecting, installing, repairing, altering, or disturbing any public sewer shall notify the Plumbing Inspector in writing at least 48 hours in advance of when the building sewer will be ready for installation and connection to the public sewer. It is the responsibility of the person designated to do such work to insure the delivery of such notice to the Plumbing Inspector. This notice shall state the permit number, street, subplot number and anticipated construction time required for the inspection requested. The person designated to do the work shall immediately inform the Plumbing Inspector of any unforeseen delays or postponements prior to 8:00 a.m. of the day for which inspection was arranged. No work may be performed in the absence of an Inspector unless written permission is granted by the Plumbing Inspector. Said written permission shall not be unreasonably denied. The City shall not be liable for any expense incurred by the person designated to do the work in locating mains, wires, house connections or other sewer appurtenances arising out of information procured from the records of the City.

Sec. 2.317. Presence Of Inspector Required. Any work covered prior to inspection shall be uncovered by the person designated to do the work and an opportunity MUST be given to inspect the inside as well as the outside of the sewer pipe. The actual tapping of a connection into a sanitary sewer and the connection to the building drain shall be done only in the presence of an Inspector.

Sec. 2.318. Quality Of Materials And Workmanship. The Plumbing Inspector shall approve the quality of all materials and workmanship, and shall have the right to inspect the same at all times. He may order removed from the job any inferior or defective material, and he may cause to be re-laid any portion of a building sewer, which is not constructed in accordance with the provisions of this Ordinance.

Sec. 2.319. Individual Permits required. Where a new sanitary sewer main is being built in a street and building drain or building sewer connections are included in the contract, the contractor for such main sanitary sewer shall be required to obtain a permit for each connection to a building drain that he may be employed to connect.

Sec. 2.320. Excavations Of Streets Or Right-Of-Ways. No permit for sewer construction, connection, maintenance or repair shall be issued for any such work requiring excavation in any street, highway or road right-of-way until the person who is to make such excavation shall obtain from the proper authority the required permit for each excavation and shall agree to comply with all the requirements of the issuing authority, or shall obtain a written statement by that authority that no road opening permit is required. This permit shall be shown to the Inspector at the commencement of construction and shall be kept on the job at all times, while work is in progress.

Sec. 2.321. Completion Of Interior Plumbing Required. No sanitary sewer connection shall be made to any premises for which the rough interior plumbing has not been completed, inspected, and approved by the proper authority. The connection between the interior plumbing building drain and the building sewer shall be made at a point approximately five feet outside the inner face of the foundation wall.

Sec. 2.322. Property Owner To Pay Costs. The property owner shall be responsible for the maintenance of the building sewer to the sanitary sewer main. The Plumbing Inspector may require the property owner to make whatever repairs or perform any maintenance of the building sewer that he deems necessary for the proper function of the sanitary wastewater system. If the City is requested, or finds it necessary for the proper maintenance of the system, to repair or maintain any building sewer or connections, the cost of such repair or maintenance shall be billed directly to the owner of the premises and shall be the responsibility of the owner to pay within 30 days from the date of the billing statement. Failure to pay such billed costs within six months of billing shall result in a lien being placed against the property in the amount of the cost.

Sec. 2.323. Refusal Of Contractor To Comply With Ordinance Or Rules And Regulations. If any Plumbing Contractor neglects or refuses to do any act required by this Ordinance or the Rules and Regulations promulgated thereunder within the time specified after receiving written notice from the Plumbing Inspector to do so, the Plumbing Inspector may cause such work to be done and charge the same to the Plumbing Contractor. If such charges are not paid within 30 days from the date of the billing statement, the City may revoke the Plumbing Contractors authority to perform work in the City. Failure by the Plumbing Contractor to comply with the provisions of this Ordinance or of the Rules and Regulations promulgated thereunder or with the direct orders of the Plumbing Inspector shall be deemed just cause for the City to revoke the Plumbing Contractor's authority to perform work in the City. This sanction shall be in addition to and not in lieu of those penalties provided for violation of this Ordinance.

Sec. 2.324. City Not Responsible For Stoppage Of Sanitary Sewer. The City expressly disclaims and shall not be responsible for any damages caused by, or arising from any stoppage of the main sanitary sewer.

Sec. 2.325. Excavations To Be Guarded And City Property Restored. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Sec. 2.326. Discharge Of Storm Or Runoff Water Into Sanitary Or Combined Sewer Prohibited. No person shall discharge or cause to be discharged any polluted or unpolluted waters such as: storm water, surface water, roof runoff, uncontaminated cooling water, or polluted or unpolluted industrial process waters to any sanitary or combined sewer. Subsurface groundwater draining into footing tiles of a building may drain to a combined sewer or storm sewer only but shall not be directly or indirectly connected to any drainage system of waters prohibited to be drained into any sanitary sewer by this section.

Sec. 2.327. Storm Water. Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers, or to a natural outlet. Unpolluted industrial cooling water or unpolluted process waters may be discharged, on approval of the Plumbing Inspector and the Wastewater Treatment Plant Superintendent, to a storm sewer, or natural outlet.

Sec. 2.328. Wastes Prohibited. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, oils, or other flammable or explosive liquid, solid or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- c. Any waters or wastes having a pH lower than 5.5 su, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works. Such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, hair and flashings, entrails and paper dishes, cups, milk containers, etc., all of the above either whole or ground by garbage grinders.

Sec. 2.329. Additional Materials Prohibited. The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewers and to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated

without approval of the superintendent are listed below. In no case shall the superintendent allow a violation of National Standards. The limitations or restrictions are as follows

- a. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
- b. Any waste having a temperature and volume sufficient to raise the treatment plant influent above 104 degrees F (40 degrees C) or inhibit biological activity at the treatment plant.
- c. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 6.5 degrees C).
- d. Any garbage that has not been properly shredded.
- e. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- f. Any waters or wastes containing taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite wastewater, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5 su.
- i. Any volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Any discharge shall be limited to the extent necessary to prevent adverse effects or constitute an interference to the treatment process or stimulate growths of algae, weeds and slimes, which are or may become injurious to water supply, recreational use of water, fish, wildlife, and other aquatic life. This shall include discharges of phosphorous, ammonia, nitrates, and sugars or other nutrients, or wastewater containing them.
- k. Any paints, oils, lacquers, thinners or solvents, including any waste containing a toxic or deleterious substance in sufficient quantity to impair the wastewater treatment process or constitute a hazard to employees working in the sewer system and treatment plant.
- l. Any-noxious or malodorous gas or substance capable of creating a public nuisance.
- m. Any excessive discoloration (such as, but not limited to, dye wastes and vegetable-tanning solutions).
- n. Any waste containing any insoluble substance that will not pass 1/4 inch mesh screen.

- o. Waste from any individual sewage disposal system.
- p. Any sludge, precipitate or congealed substance resulting from an individual or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
- q. Any waters or wastes:
 - 1. Having a 5 day biochemical oxygen demand greater than 300 mg/l; or
 - 2. Containing more than 300 mg/l of suspended solids; or
 - 3. Having a chemical oxygen demand greater than 450 mg/l; or
 - 4. Containing an ammonia content in excess of 20 mg/l; or
 - 5. Containing a total phosphorus content in excess of 20 mg/l; or
 - 6. Containing a chlorine demand greater than 15 mg/l; or
 - 7. Containing concentrations in excess of the following pollutants measured in mg/l:

(PSES)*

| Pollutant | 1-Day Max. | Monthly Ave. |
|-----------------|------------|--------------|
| Cyanide (Total) | 1.20 | 0.65 |
| Copper | 3.38 | 2.07 |
| Nickel | 3.98 | 2.38 |
| Chromium | 2.77 | 1.71 |
| Zinc | 2.61 | 1.48 |
| Lead | 0.69 | 0.43 |
| Cadmium | 0.69 | 0.26 |
| Silver | 0.43 | 0.24 |
| Phenol | 0.50 | 0.10 |
| Mercury | 0.0005 | 0.0005 |

(*PSES) - Pretreatment standards for existing sources.

- r. Waters or wastes containing substances which are not amenable to treatment, or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment, plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters .

Sec. 2.330. National Pretreatment Standards. National Pretreatment Standards (40 CFR) from Federal Regulations specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a wastewater treatment plant by existing or new industrial users in specific industrial categories are hereby adopted and incorporated herein by reference, as fully as if set out at length herein. These standards shall apply to existing and new sources as determined by Federal Regulations, which are now or may be promulgated. These standards are not intended to affect any Pretreatment Requirements, including any standards or prohibitions, established by State or local law as long as the State or local requirements are not less stringent than any set forth in National Pretreatment Standards, or any other requirements or prohibitions established under the Clean Water Act, as amended, U.S.C. 1251, et. seq.

Sec. 2.331. Filing Of Statements Required. Any person whose operations, residential or industrial, entail the discharge of water or wastes containing the substances or possessing the characteristics enumerated in SECTION 2.329 shall file with the Superintendent a written statement setting forth the nature of the operation contemplated or presently carried on, the amount of water required to be used and its source, the proposed point of discharge of said wastes into the wastewater system of the City, the estimated amount to be discharged, and a fair statement setting forth the expected bacterial, physical, chemical and other known characteristics of said wastes. Within 30 days of receipt of such statement, it shall be the duty of the Superintendent to make an order stating such minimum restrictions as in the judgment of the Superintendent may be necessary to guard adequately against unlawful uses of the City's wastewater system.

Sec. 2.332. Superintendent May Reject Wastes. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in SECTION 2.329 and which in the judgment of the Superintendent may have a harmful effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall:

- a. Reject the wastes, and/or
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added costs of sampling, testing, handling, and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sec. 2.547.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirement of all applicable rules, Ordinances, and laws .

Sec. 2.333. Interceptors May Be Required. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Plumbing Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owners} shall be responsible for the property removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

Sec. 2.334. Facilities Must Be Maintained. Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 2.335. Manholes Required. When required by the Superintendent, the owner of any premises serviced by a building sewer carrying industrial or food establishment wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate when required, shall be accessible and safely located, and shall be constructed in accordance with drawings and specifications approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 2.336. Superintendent May Require More Information. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- a. Wastewater's discharge rates and volumes over a specified time period.
- b. Chemical analysis of wastewater.
- c. Identification of and information on raw materials, processes, and products, which may affect wastewater volume and quality if intentionally or accidentally discharged to the municipal sewers.
- d. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- e. A plot, plan of sewers of the user's property showing sewer and pretreatment, facility location.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- h. Submit, self-monitoring reports in accordance with CFR 403.12.
- i. Complete survey forms.

Sec. 2.337. Spill Prevention Plan May Be Required. If, in the opinion of the Superintendent, the accidental loss of certain materials to the municipal sewer systems would adversely affect the sewers or treatment process, he may require a spill prevention plan to be developed by the industrial user of such materials. In developing a spill prevention plan the industrial user shall:

- a. Construct an approved containment device within 30 days of time upon written notice to the user of such requirement.
- b. Submit to the Superintendent plans and specifications for construction of appropriate containment devices for his approval.

- c. Have the Superintendent inspect and approve the final construction of such containment devices of facilities.
- d. Develop procedures to immediately report all spill events to the Superintendent.
- e. Establish an emergency response plan to deal with spills that includes wastewater treatment plant operators, police, fire, and medical care facilities.

Sec. 2.338. Location Of Manhole. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined at the control manhole provided, or upon suitable samples 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. 2.339. Standards Of Testing. 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 the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property, a laboratory approved by the Superintendent.

Sec. 2.340. Information Available To The Public. Information and data on a non-domestic user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without, restriction unless the non-domestic user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the non-domestic user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made to this Article, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and for the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Superintendent as confidential, shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten-day notification is given to the non-domestic user.

Sec. 2.341. Agreements Allowed. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern and subject to National Pretreatment Standards.

Sec. 2.342. Interference With Wastewater Facilities Prohibited. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the wastewater works. Only authorized personnel shall be permitted to alter, uncover, or tamper with any structure, which is part of the wastewater works. Any person violating this provision shall be deemed to be a disorderly person and shall be subject to criminal prosecution as hereinafter provided. Violation of this provision shall be deemed to constitute a nuisance per se.

Sec. 2.343. Powers And Authority Of Superintendent And Inspectors. The Plumbing Inspector is authorized and directed to adopt and enforce Rules and Regulations in accordance with the provisions of ARTICLES II through V of this Ordinance for the purpose of providing control over sewer construction, installation, maintenance, repair and connections and the inspection thereof. Any Rules and Regulations promulgated by the Plumbing Inspector shall be in accordance with the following provisions:

- a. All such Rules and Regulations shall be entitled "Sanitary Sewer Rules and Regulations".
- b. All such Rules and Regulations and any amendments thereto shall be in writing and shall be filed with the City Clerk and shall be placed on file at the office of the Clerk.
- c. Such Rules and Regulations shall specify the effective date thereof and shall be subscribed by the Clerk and dated as of the date they are promulgated.
- d. Notice shall be given in a newspaper of general circulation in the city that, the Council has promulgated certain Rules and Regulations, or amendments thereto, for the Sanitary Sewer Ordinance of the City and that the same are on file with the City Clerk.
- e. Said Rules and Regulations or any amendments shall become effective 30 days after the date of publication of notice as above specified.
- f. Said Rules and Regulations, or any amendments may be modified at any time by the City. Such modification shall become effective within 30 days after the date of publication of the notice that said modifications have been made and are on file with the City Clerk. Publication of the notice and filing shall be in accordance with provisions a through e above.

Sec. 2.344. Authority To Enter Properties. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties and buildings, public and private, for the purpose of inspection, measurement, sampling and testing for violations of this Ordinance, and of the Rules and Regulations. The Superintendent or his representative shall also have the authority to inspect and copy those records of the user required by CFR 403.12(n) to be kept on-site. However, the Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2.345. Indemnification Of User. While performing the necessary work on private properties referred to in Sec. 2.552 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Sec. 2.541.

Sec. 2.346. Entry of Easements. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 2.347. Records To Be Maintained. The City Clerk and Superintendent shall maintain accurate and complete records of all public sewers and appurtenances, of all permits issued, and all inspections made. The Superintendent is empowered to require the abandonment and removal of connections to the public storm sewers, which violate the provisions of this Ordinance.

Sec. 2.348. Authority To Seek Injunctions. The Superintendent shall be authorized to seek an injunction to prevent the discharge or continued discharge into the sewer system of substances that may damage the collection system, interfere with operations at the treatment plant, or present a potential danger to human health or the environment.

Sec. 2.349. Authority To Eliminate Discharge Of Pollutants. The Superintendent, or his duly authorized representative shall have authority to halt or eliminate immediately and effectively any actual or threatened discharge of pollutants to the wastewater treatment plant, which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference with the operation of the wastewater treatment plant.

Sec. 2.350. Discharge Of Waste To Cease. Any person notified of a suspension of the wastewater treatment service shall immediately stop or climate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including immediate severance of the Sewer connection, to prevent or minimize damage to the wastewater treatment plant system or endangerment to any individuals. The Superintendent shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within 15 days of the date of occurrence.

Sec. 2.351. Invalidity Of Ordinance. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Sec. 2.352. Lien For Charges. Pursuant to Section 21, Act 94, of Public Acts of Michigan 1933, as amended, whenever the charges for service against any piece of property shall be delinquent for six months, such charges shall be made a lien on the premises serviced by the sanitary sewer system. The City official or officials in charge of the collection of such charges for service shall certify annually, to the tax assessing office of the City, the facts of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as General City taxes against such premises are collected and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for such charges and services as provided by said Section 21, no further service shall be rendered for such premises until a cash deposit in the amount of \$50.00 shall have been made as security for payment of such charges and services.

Sec. 2.353. Discontinuance Of Water. In addition to the foregoing, and any other lawful enforcement methods, the payment of charges for sanitary sewer service to any premises may be enforced by discontinuing the water and sanitary sewer service. Such services shall not be re-established until all delinquent charges and penalties and a turn-on charge to be assessed by the City have been paid. Further, such charges and penalties may be recovered by the City by court action.

Sec. 2.354. Liability For Expenses. Any person violating any of the provisions of this Ordinance shall become liable to the City for all expense, loss or damage occasioned the City by reason of such violation.

Sec. 2.355. Penalties. In addition to any other penalty set forth in the Codes adopted by this Chapter, any person who shall violate the provisions of the Codes adopted herein shall be guilty of a misdemeanor and shall suffer the penalties of not more than five hundred dollars (\$500.00)¹⁴ and the cost of prosecution or by both imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. In addition to the foregoing penalties, the City may enjoin or abate any violation of this Code by appropriate action. No appeal filed by any person in violation of the adopted Codes to any other forum shall delay or stay the right of prosecution for violations of the provisions of the Codes adopted herein.

Sec. 3.356 – 3.400 Reserved

¹⁴ The maximum fine amended by Ordinance No. 2004-4 adopted October 12, 2004, effective October 27, 2004.

TITLE II: UTILITIES AND SERVICES

CHAPTER 4

USER CHARGE ORDINANCE

Sec. 2.401. Definitions.

- (1) Authority - City of Essexville, Bay County, Michigan.
- (2) Biochemical Oxygen Demand (B.O.D.) - Shall mean the quantity of decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees C. and expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- (3) Suspended Solids - Shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid discharged to the treatment works which are removable by laboratory filtration and is expressed in milligrams per liter (mg/l). Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.
- (4) Standard Methods - Shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation and as set forth in Federal Register Reprint 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants".
- (5) Users - Shall mean each recipient of wastewater treatment services provided by the City of Essexville as classified in Section 2.69 of this Ordinance.
- (6) Segregated Domestic Wastes - Shall mean wastes from users which are generated from activities of a domestic nature and which are measurable and/or set apart from industrial discharges.
- (7) User Charges - Shall mean a system of charges levied on users of a treatment works for the cost of operation and maintenance, including replacement, of such works.
- (8) Operation and Maintenance Costs - Shall mean the total annual cost of operating and maintaining the waste treatment facilities.
- (9) Replacement Costs - Shall mean expenditures for obtaining and installing equipment, accessories, and appurtenances which are necessary during the service life of the treatment works to maintain capacity and performance for which such works were designed and constructed and includes the replacement costs.
- (10) Surcharges - Shall mean a charge levied on users of a treatment works for the cost of handling wastewaters which are discharged in concentrations greater than normal domestic strengths.

(11) Normal Domestic Strengths- Shall mean wastewater discharged at concentration levels typical of normal human activity. These levels are:

200 mg/1 for B.O.D.
200 mg/1 for Suspended Solids

(12) Shall is mandatory; May is permissive.

(13) Wastewater - Shall mean the spent water of the community. It may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(14) Treatment Works - Shall mean an arrangement of devices and structures for collecting, conveying, and treating wastewater.

(15) Premise - Shall mean each lot or parcel of land, building, or household having a connection to the authority sewer system.

(16) Person¹⁵ - Shall mean any individual, firm, company, municipality, association, society, corporation, or group.

Sec. 2.402. User Classes Subject to Charges

(1) Charges shall be levied for wastewater treatment services rendered to each lot, parcel of real estate or building having a connection with the City of Essexville treatment facilities or otherwise being provided with service, either directly or indirectly. A base charge regardless of use may be assessed and in addition thereto, charges shall be based upon the quantity of water consumed, as measured by water meters. (Adopted August 10, 1993; effective August 28, 1993)

(2) All rates and charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency under PL92-500, published in the Federal Register and implemented on February 11, 1974 (39CFR5252).

(3) For purposes of this Ordinance, users of the treatment works shall be classified as follows;

- a. Residential - A user of the treatment works whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.

¹⁵ This Section adopted July 10, 1979, effective July 27, 1979.

- b. Commercial - A user of the treatment works engaged in the purchase or sale of goods, transaction of business or otherwise rendering a service.
- c. Institutional - A user of the treatment works involved in a social, charitable, religious, educational, or other special purpose activities.
- d. Governmental - A Federal, State, or local government user of the treatment works which has executive, legislative, judicial, administrative, or regulatory activities.
- e. Industrial¹⁶ - A manufacturing or process facility which is engaged in a productive or profit-making venture.

Sec. 2.403. Administration¹⁷.

(1) During the fiscal year, the City of Essexville shall collect data from the treatment facilities, accounting for flows and loading received at the treatment plant attributable to each user class. In addition, the cost data associated with the treatment of each user class's wastes shall also be collected and retained for future reference.

(2) Prior to the close of each fiscal year, the City of Essexville shall prepare an estimate of anticipated costs of operation and maintenance, including replacement, for the forthcoming fiscal year. Such estimates shall be prepared in accordance with generally accepted accounting principals. Based upon the anticipated budget and data from the previous fiscal year, the rates will be reviewed and adjusted periodically with the following criteria applied.

- a. Revenues to offset the cost of operation and maintenance costs, including replacement, of the treatment works shall be generated by each user class in proportion to each user's contribution to the total wastewater loading and cost to treat each user's wastes.
- b. The rates shall generate sufficient revenues to offset the costs of all treatment works operation and maintenance costs, including replacement, and such other expenditures authorized by this Ordinance.
- c. Replacement cost needs shall be determined by an evaluation of treatment facilities assets utilizing asset values of the treatment facilities, service lines, salvage values, level of the replacement fund and other criteria determined appropriate.

(3) Revenues generated by user charge rates shall be deposited in a separate account and used solely for purposes of operation and maintenance costs, including replacement of the treatment works.

(4) There shall be no free service or discounts of the established rates provided any user.

¹⁶ This Section adopted July 10, 1979, effective July 27, 1979.

¹⁷ This Section adopted July 10, 1979, effective July 27, 1979.

Sec. 2.404. User Charge Rates.¹⁸

(1) Sewer user charges for all classes of users shall be billed quarterly and as a separate item on the utility bill at a rate determined periodically and approved by a resolution of the City Council.¹⁹

(2) Any user who discharges at a rate higher than the normal domestic sewage rate shall be billed quarterly with the billing based upon measured quantity of B.O.D. and suspended solids determined daily and totaled quarterly at the following unit charges:

| | |
|--------|------------------|
| B.O.D. | \$.14 per pound |
| S.S. | \$.14 per pound |

a. Adjustments to these measured quantity rates shall be determined periodically and approved by the City Council by resolution.

(3) Where a significant portion of the metered water does not and cannot enter the treatment works, either directly or indirectly, and where the quantity of water entering the premises averages more than 5,000 gallons per month, the person having charge of the property may request permission from the City to install, at his own expense, an approved meter or meters to determine the quantity of water that cannot enter the treatment works or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the treatment works. The rates and charges will apply only to that portion of water or actual sewage entering the treatment works.²⁰

(4) Each industrial or non-industrial user who discharges wastes into the treatment works shall be subject to a surcharge in addition to regular sewer charges, based on B.O.D. and suspended solids, if the waste load contributed to the treatment works has a loading greater than normal domestic strength wastes. The magnitudes of such extra-strength wastes shall be determined in accordance with sampling and testing procedures established in the Sewer Use Ordinance.²¹

(5) The charges for treatment works service shall be billed to the owner of each lot, parcel of real estate or building having a connection with the City of Essexville treatment facilities. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.²²

¹⁸ This Section amended June 8, 1982, effective June 25, 1982.

¹⁹ This paragraph amended August 10, 2004, effective August 25, 2004.

²⁰ This Section amended February 9, 1982, effective February 26, 1982.

²¹ This Section amended February 9, 1982, effective February 26, 1982.

²² This Section amended February 9, 1982, effective February 26, 1982.

Sec. 2.405. Penalties.²³

(1) Charges for treatment works service levied pursuant to this Ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date shall be considered delinquent. Such delinquent charges together with any applied penalty shall be collectable as hereinafter set forth.

(2) Delinquent treatment works service charges may be made in lien against the property served. In such case, delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax rolls and be collected in the same manner as regular taxes and assessments are collected.

(3) In addition to the foregoing remedies, the City of Essexville shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right to foreclose any lien established under the provisions of this Ordinance with recovery of the charges, penalty of ten percent and a reasonable attorney's fee.

Sec. 2.406. Validity.²⁴ If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Sec. 2.407. Ordinance in Force.²⁵ This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Sec. 2.408 – 2.500 Reserved

²³ This Section adopted July 10, 1979, effective July 27, 1979.

²⁴ This Section adopted July 10, 1979, effective July 27, 1979.

²⁵ This Section adopted July 10, 1979, effective July 27, 1979.