

TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 2021-06

AN ORDINANCE TO AMEND THE TOWNSHIP CODE TO REPLACE CHAPTER 34 UTILITIES AMENDING THE CODIFIED SCIO TOWNSHIP GENERAL ORDINANCE BY REPLACING CHAPTER 34 UTILITIES in full with the additions of a new Chapter 34 Utilities to replace current Chapter 34 Utilities, Article I.-In General; Article II.-Water; Article III.-Sewers.

The Board of Trustees of the Township of Scio hereby ordains:

SECTION 1. PROPOSED ADDITIONS TO TOWNSHIP CODE.

Title. This Ordinance shall be known and cited as the “Township of Scio, Utilities Ordinance.”

The Board of Trustees of the Township of Scio hereby ordains:

Proposed Chapter 34 Utilities--

Footnotes:

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State Law reference— Local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.

ARTICLE I. - IN GENERAL

Secs. 34-1—34-18. - Reserved.

ARTICLE II. - WATER

Sec. 34-19. - Operation on public utility rate basis.

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the township that the township's water supply system be operated on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.).

(Ord. of 12-16-1986, § 1)

Sec. 34-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Revenues and *net revenues* have the meanings as defined in section 3, Public Act No. 94 of 1933 (MCL 141.103).

System means the complete facilities of the township's water supply system, including all wells, wellhouses, pumps, water storage facilities, and transmission lines, including any and all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Township, township, or the township means the Township of Scio, Washtenaw County, Michigan.

Township Engineer has the meaning set forth in Chapter 2 of the Scio Township Code of Ordinances.

Township Certified Water Operator means the water operator as certified by the State of Michigan and designated by the Township as the operator of the system.

(Ord. of 12-16-1986, § 2)

Sec. 34-21. - Private water wells.

Private water wells that are in place prior to the establishment of the system may be retained by the property owner. Upon connection to the system, each private water well shall be disconnected from the distribution system within the structure to be served by the system so as to prevent cross contamination of the system. In no instance shall a private water well supply line be allowed within the confines of a residence or commercial structure that is being serviced by the system. In areas where known groundwater contamination exists, the private water well shall be abandoned upon connection to the system and sealed as per state department of environmental quality requirements.

(Ord. of 12-16-1986, § 3)

Sec. 34-22. - Required connection.

Each premises abutting the system within the township whose private water well becomes inoperative and/or contaminated, or each new structure, other than sheds, residential garages, and/or additions to existing structures with existing private water wells, shall be required to connect to the system by the provisions of this article. Additional requirements may be enforced by the state department of environmental quality and/or the county health department.

(Ord. of 12-16-1986, § 4)

Sec. 34-23. - Operation and maintenance; rates and charges; inaccurate billing.

- (a) The operation and maintenance of the system shall be under the general supervision and control of the township. The Township may from time to time promulgate rules and procedures to supplement article requirements.
- (b) The township has the exclusive right to establish, maintain and collect rates and charges for water supply service, and in such capacity the township board may employ such person in such capacity as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient establishment, maintenance, and collection of rates and charges.
- (c) The property owner, a user who is responsible for payment of the billing charges, or the Township may seek an adjustment to the billing charges if the billing charges are reasonably believed to be inaccurate. However, the billing period that may result in an adjustment shall not exceed 12 months from the date the Township is notified or discovers the inaccuracy.

(Ord. of 12-16-1986, § 5)

Sec. 34-24. - Specifications for connection.

Water service connections shall be installed in accordance with the state and local building code as well as the Engineering Standards of the Township

(1) Type K soft temper copper not less than one inch is required.

a. Water service pipe from main to curbstop shall be maintained by the township. The curbstop, stop box and all water service pipe from the property line to the meter shall be the responsibility of the owner of the premises. Stop boxes shall be kept free from dirt, stones or other substances that will prevent access to the curbstop and if found in such condition shall immediately be cleaned out by the user. If after due notice the user fails to clean out such stop boxes, the township will proceed with the work and bill the user for the cost thereof.

b. No water service from the meter to the main shall be covered until approved by the Township as to location and installation.

l. Before an owner, user, or contractor installs a water service pipe from the meter to the main, he shall obtain the location from the Township as to the designated terminus of the water service pipe at the right-of-way line. The terminus of the water service pipe shall be located such that the water service pipe from this point is installed to the water main in a straight line perpendicular to the main, and there are no obstructions such as driveways, manholes, trees, fire hydrants, or any other obstacles.

m. All connections to the system shall be made by a state-licensed contractor with the proper tools and equipment for performing connections to the system's mains. All contractors that desire to make connections shall be licensed by the township.

n. All water mains on private property, six inches or larger with fire hydrants, shall be installed at the property owner's expense and shall meet all applicable local and state standards and requirements and shall be deeded to the township by the property owner, and at his expense the property owner shall provide a recorded easement sufficient for maintenance and repair of the main.

o. No person shall use the water system of a building as a grounding point for the electrical system.

(2) *Water meters.*

a. All premises using township water shall be metered and shall pay for water and the disposal of sewage at the rates specified. In no case will water be supplied, except for temporary supply, at other than the established water rate. For new construction supply purposes a minimum bill will be charged for each premises for each two-month period or fraction thereof or until the township is notified of the termination of the use for construction purposes, and such payments shall be made in advance. Temporary water service will be automatically shut off at the end of the initial two-month period unless payment of a like sum is made in advance for an additional two-month period unless otherwise authorized by the Township.

1. Meters of two inches or less will be furnished by the township and shall remain the property of the township. A nonrefundable meter fee shall be charged for the meter.

2. Meters larger than two inches shall be purchased from the township and shall be maintained at the expense of the property owner by the property owner.

3. All meters existing prior to the adoption of this article shall be maintained at the expense of the property owner and/or tenant.

4. All meters shall be under the control of the township and shall be equipped with an instrument capable of being remotely connected and read by Township equipment away from the meter itself. Such instrument shall be installed on the exterior of the building as directed by Township personnel.

b. The Township shall determine the size of the meter required, and the Township's decision in the matter shall be final.

- c. Meters shall be set in an accessible location and in a manner satisfactory to the Township. In no case shall a meter be set in a coal bin or other place where it is liable to injury or cannot be readily reached by the meter reader. In all cases where the premises contains no basement or cellar, the meter shall be installed in a location which shall be approved by the Township. Meter pits inside or outside of buildings are specifically prohibited.
 - d. Meters will be sealed by the township and no one except an authorized employee of the township shall break such seals. No unauthorized person shall change the location of, alter or interfere in any way with any meter.
 - e. The expense of maintaining meters 2 inches or will be borne by the township; provided that where replacements, repairs, or adjustments of the meter are made necessary by any act, neglect, or carelessness of the user, owner of the premises, or third party other than the township, the expense to the township caused thereby shall be charged against and collected from the user of the premises. Meters greater than 2" the expense of maintenance will be passed through to the customer
 - f. The owner and/or user of any premises where a meter is installed will be held responsible for its care and protection from freezing, and from injury or interference by any person. In case of damage to the meter or in case of its stoppage or defective condition, the owner and/or user shall give immediate notice to the township.
 - g. All township water used on any premises must pass through the meter. Any bypass between the meter and the main is prohibited.
 - h. If any meter is not working properly or fails to register, the consumer will be charged at the average consumption rate based on historical annual usage. The accuracy of the meter on any premises will be tested by the township upon written request of the owner and/or user who shall pay in advance a fee as set by the Township to cover the cost of the test. If, on such test, the meter shall be found to register over three percent more water than actually passes through it, another meter will be substituted therefor, and the fee will be refunded, and the water bill will be adjusted in such manner as may be fair and just.
- (3) *Cross connection control.* This section regulates cross connections with the public water supply system (i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply).
- a. The township adopts by reference the Water Supply Cross Connection Rules of the state department of environmental quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.
 - b. It shall be the duty of the Township to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Township and as approved by the state department of environmental quality.
 - c. Representatives of the Township shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
 - d. The Township is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

- e. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this article and by the state construction code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner: WATER UNSAFE FOR DRINKING.
- f. This article does not supersede the state construction code, but is supplementary to it.
- g. Any new installation shall be assessed an inspection fee deposit to cover inspection of these facilities for cross connections.
- h. The owner and/or user of any premises where a cross connection is found which poses an eminent extreme hazard shall, immediately, physically break such connection or eliminate the cross connection by use of a state department of environmental quality approved cross connection prevention device or method. Cross connections which do not pose a severe hazard as determined by the Township shall be corrected within 30 days by a state department of environmental quality approved method, unless the Township shall extend the time period for correction/compliance for good cause.
- i. Industrial facilities shall separate interior piping from the public system through the use of a state department of environmental quality approved protective device or method. The Township shall determine whether a commercial establishment which uses materials which could contaminate the water supply system will require such a device after an on-site inspection.
- j. All reduced pressure principle backflow prevention devices shall be tested as scheduled by the Township with records of test results maintained by the township; provided, however, that the period of time between such inspections shall not exceed more than 60 months. Only individuals or companies approved by the Township shall be qualified to perform such testing. The individual conducting the testing shall certify the results of his testing to the township. All costs related to such testing shall be borne by the property owner or user.
- k. That any person or customer found guilty of violating any of the provisions contained in subsection (3) of this section or any written order of the Township issued pursuant to this subsection (3), shall be deemed guilty of a misdemeanor.

(Ord. of 12-16-1986, § 6; Ord. No. 97-3, 7-15-1997)

Sec. 34-25. - Rates.

Rates to be charged for service furnished by the township shall be as follows:

- (1) *Water usage rates.* Water rates per premises for users of the system shall be based on metered water consumption, operation and maintenance, capital replacement, debt service as set forth in the rate resolution of the Township Board.
- (2) *Special rates.* For miscellaneous or special services for which a special rate shall be established, such rates shall be set by the township board.
- (3) *Turn-on charges.* There will be imposed a charge as currently established or as hereafter adopted by resolution of the township board from time to time whenever the township is requested to turn water services on or off; provided, however, that whenever the township is requested to provide turn-on or turn-off service at times other than the regular business hours of the township.
- (4) *Billing.* Bills will be invoiced regularly on a schedule set by the Township board and shall be due and payable by the due date set forth on the bill. If a legal holiday falls on a Monday through Friday before the due date, the due date shall be extended by one day for each legal holiday falling on a Monday through Friday before the due date. A late fee of ten percent (10%) shall apply to any bills unpaid after the due date and an interest rate of one percent (1%) per

month shall be applied to all past due amounts during the next billing cycle. Accounts which remain delinquent for more than 120 days shall be placed on the next tax bill and shall become a lien on the property.

(5) *Hydrant rental.*

- a. For water used through fire hydrants and otherwise, the township may pay a charge per hydrant as may be determined by resolution of the township board, which charges shall be payable from the current funds of the township, or from the proceeds of taxes which the township is hereby authorized and required to levy within constitutional and statutory tax limitations in an amount sufficient for that purpose.
- b. Where hydrants are located on private property, a hydrant charge equal to that specified in subsection (5)a of this section will be billed periodically and paid by the property owner.
- c. For water use through hydrants for construction or truck filling, hydrants designated by the township shall be fit with portable meter and backflow preventer. In addition, a rental fee on the hydrant meter will be in accordance with the schedule of rates and charges determined by resolution of the Township board.

(6) *Enforcement.*

- a. The charges for services which are under the provisions of section 21, Public Act No. 94 of 1933 (MCL 141.121), shall be made a lien on all premises served thereby, unless notice is given that a tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six months or more, the Township shall certify to the tax assessing officer of the township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and a lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for the payment of the charges and the Township is so notified in writing, the notice shall include a copy of the lease of the affected premises, if there is one, then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the Township shall render no further service to the premises until a deposit, the type and sum to be specified by resolution of the Township Board, is made as security for the payment of the charges. The security deposit shall be subject to an administrative fee, set by resolution of the Township Board, to cover the additional costs of maintaining records of the security deposit.
- b. In addition to the foregoing, the township shall have the right to shut off water service to any premises for which charges for water service are more than two months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the township board, have been paid.

(Ord. of 12-16-1986, § 7; [Ord. No. 2015-10, § 1, 10-27-2015](#).)

Sec. 34-26. - Free service prohibited.

No free service shall be furnished by said system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. of 12-16-1986, § 8)

Sec. 34-27. - Revision of rates.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of any debt service obligations of the township as the same become due, and to provide for such other expenditures and funds for said system as this article may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts, by resolution of the township board.

(Ord. of 12-16-1986, § 9)

Sec. 34-28. - Operating year.

The system shall be operated on the basis of the fiscal year of the township.

(Ord. of 12-16-1986, § 10)

(Ord. of 12-16-1986, § 11)

(Ord. of 12-16-1986, § 12)

Sec. 34-31. - Investment of funds.

Monies in any fund or account established by the provisions of this article may be invested in obligations of the United States of America, in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.) and Public Act 20 of 1943 (MCL 129.91 et seq.). In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Ord. of 12-16-1986, § 13)

Sec. 34-32. - Hardship application.

The owner of a single-family residence in which residence said owner resides, and upon which a connection charge or special assessment has been imposed, may submit a hardship application to the township for a deferment in the partial or total payment of the connection charge or special assessment provided for herein based upon a showing of financial hardship, subject to and in accordance with the following:

- (1) The owners of the premises shall, under oath, complete a hardship application provided by the Township and file said application, together with all other information and documentation reasonably required by the township, with the Township not less than 60 days prior to the due date of such charge. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
- (2) Hardship applications shall be reviewed by the Township, and after due deliberation of hardship applications, the Township shall determine in each case whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.
- (3) Any applicant aggrieved by the determination of the township board may request the opportunity to appear before the township board in person for the purposes of showing hardship

and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the township board shall be final and conclusive.

- (4) In the event that the Township makes a finding of hardship, the Township shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the clerk of the township so that a further review of the matter may be made by the Township, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - a. A change in the financial status of any applicant which removes the basis for financial hardship.
 - b. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof.
 - c. A death of any of the applicants.
- (5) Upon a determination of the Township deferring all or part of the charges imposed, the owners of the premises shall, within one month after such determination, execute and deliver to the township, as the secured party, a recordable security instrument covering the premises guaranteeing payment of the deferred amounts on or before the death of any of the applicants or, in any event, upon the sale or transfer of the premises. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this article.
- (6) The Township Utilities Director may defer or waive amounts not exceeding \$5,000.00 (five thousand) after due deliberation of the hardship application. The Township Utilities Director shall determine in each case whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicant of said determination. The Township Board shall review all applications where the deferral or waiver amount is greater than \$5,000.00 (five thousand).

(Ord. of 12-16-1986, § 14)

Sec. 34-33. - Equivalent water meter schedule.

In computing the debt service charge and connection charges imposed in the article, and for any other user charges utilizing equivalent factors, all premises shall be assigned a factor based upon the following (modified) American Water Works Association equivalent water meter schedule:

Water meter size (inches)	Equivalent factor
5/8 or 3/4	1.0
1	1.0
1½	5.0
2	8.0
3	16.0
4	25.0
6	50.0
8	80.0

Where nonresidential premises are not equipped with a water meter, the equivalent factor shall be determined by the Township based upon the water meter size which would be necessary to service the premises if it was connected to the Township's water system.

Secs. 34-34—34-54. - Reserved.

ARTICLE III. - SEWERS

DIVISION 1. - GENERALLY

Secs. 34-55—34-81. - Reserved.

DIVISION 2. - PUBLIC SEWER USE REGULATIONS

Sec. 34-82. - Purpose and scope.

- (a) The purpose of this division is to establish standards, rules, and regulations with respect to the use of the POTW; to provide for rates and charges for connection and use of the system and to prevent the pollution of the environment.
- (b) This division provides for the regulation of discharges into the POTW through the issuance of permits to major users and through enforcement of the division's requirements against all dischargers into the POTW using administrative, civil and criminal penalties. This division authorizes monitoring and enforcement activities and requires discharger reporting.

(Ord. of 6-20-1995, § 2:41)

Sec. 34-83. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Biochemical oxygen demand or *BOD* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building sewer means a private sewer connecting a building to a public lateral sewer; a building sewer is also called building service or house connection.

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

Categorical pretreatment standards or *FCPS* means national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a POTW by a specific category of industrial users described in those standards. Categorical pretreatment standards include the following categorical standards and those which were later promulgated by U.S. EPA, along with amendments to the existing or later promulgated EPA effluent guidelines and standards for:

- (1) Dairy products (40 CFR 405);
- (2) Grain mills (40 CFR 406);
- (3) Canned and preserved fruits and vegetables processing (40 CFR 407);
- (4) Canned and preserved seafood processing (40 CFR 408);

- (5) Sugar processing (40 CFR 409);
- (6) Textile mills (40 CFR 410);
- (7) Cement manufacturing (40 CFR 411);
- (8) Feedlots (40 CFR 412);
- (9) Electroplating (40 CFR 413);
- (10) Organic chemicals plastics, and synthetic fibers (40 CFR 414);
- (11) Inorganic chemicals (40 CFR 415);
- (12) Soaps and detergents (40 CFR 417);
- (13) Fertilizer manufacturing (40 CFR 418);
- (14) Petroleum refining (40 CFR 419);
- (15) Iron and steel manufacturing (40 CFR 420);
- (16) Nonferrous metals (40 CFR 421);
- (17) Phosphate manufacturing (40 CFR 422);
- (18) Steam electric power generating (40 CFR 423);
- (19) Ferroalloy manufacturing (40 CFR 424);
- (20) Leather tanning and finishing (40 CFR 425);
- (21) Glass manufacturing (40 CFR 426);
- (22) Asbestos manufacturing (40 CFR 427);
- (23) Rubber processing (40 CFR 428);
- (24) Timber products (40 CFR 429);
- (25) Pulp, paper and paper board (40 CFR 430);
- (26) Builders paper and board mills (40 CFR 431);
- (27) Meat products (40 CFR 432);
- (28) Metal finishing (40 CFR 433);
- (29) Coal mining (40 CFR 434);
- (30) Offshore oil and gas extraction (40 CFR 435);
- (31) Mineral mining and processing (40 CFR 436);
- (32) Pharmaceutical manufacturing (40 CFR 439);
- (33) Ore mining and dressing (40 CFR 440);
- (34) Paving and roofing materials (40 CFR 443);
- (35) Paint formulating (40 CFR 446);
- (36) Ink formulating (40 CFR 447);
- (37) Gum and wood chemicals manufacturing (40 CFR 454);
- (38) Pesticide chemicals manufacturing (40 CFR 455);
- (39) Explosives manufacturing (40 CFR 457);
- (40) Carbon black manufacturing (40 CFR 458);
- (41) Photographic processing (40 CFR 459);

- (42) Hospitals (40 CFR 460);
- (43) Battery manufacturing point source category (40 CFR 461);
- (44) Plastics molding and forming (40 CFR 463);
- (45) Metal molding and casting (40 CFR 464);
- (46) Coil coating (40 CFR 465);
- (47) Porcelain enameling (40 CFR 466);
- (48) Aluminum forming (40 CFR 467);
- (49) Copper forming (40 CFR 468);
- (50) Electrical and electronic components (40 CFR 469);
- (51) Nonferrous metals forming and metal powders (40 CFR 471).

CFR means the Code of Federal Regulations.

Chlorine demand means the difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period.

City shall mean the City of Ann Arbor.

COD means chemical oxygen demand or the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, 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 BOD.

Code shall mean the City of Ann Arbor City Code.

Collection system means all of the sanitary sewers, lift stations, pumps, and other equipment of the City of Ann Arbor and/or the township which are primarily installed to receive wastewater and pollutants directly from users for transmission to the City of Ann Arbor POTW treatment plant.

Combined sewer means any sewer receiving both stormwater and wastewater.

Connection means the art of connecting a service to a tee, wye, saddle, riser or stubbed lead.

Construction means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises, if such equipment will in any way actually or potentially affect the quality or quantity of discharges or the measurement or analysis of a discharge.

Daily average means the sum of the concentrations of a constituent for the measurement period divided by the number of days on which the discharge was sampled and analyzed in that period. The concentrations which are added are single numbers for single days for all days for which analyses are obtained, whether by the user or the township, but such concentrations may be based upon a sample taken over either all or part of that day and upon single or multiple analyses for that day as approved by the Township.

Daily maximum means the concentration which shall not be exceeded on any single calendar day.

Discharge means the introduction of any substance into the POTW which is either intentional or unintentional. The term "discharge" also includes introduction of any substance into a natural outlet.

Domestic user means a user that discharges only domestic wastes or wastes from sanitary conveniences.

Existing source means any source which is not a new source.

Federal categorical pretreatment standards. See *Categorical pretreatment standards*.

Flashpoint means the minimum temperature at which vapor combustion will spread away from its source of ignition.

Footing drain means a pipe or conduit which is placed around the perimeter of a building foundation and for the purpose of admitting groundwater.

Garbage means solid wastes from domestic and commercial preparation, cooking or dispensing of food, and from the handling, storage, or sale of produce.

Groundwater means water which is pumped or otherwise captured from the ground and which is not used in a process. Mere treatment of groundwater is not use in a process.

Interceptor sewer lines means those lines whose basic function is to collect wastewater from two or more separate trunk sewer lines and to transport such wastewater to the POTW treatment plant.

Interference means a discharge which, alone or in conjunction with a discharge from other sources, both: inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), 40 CFR 503 (Standards for the Disposal of Sewage Sludge) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

Lateral sewer means a public sewer intended to serve more than one sewer connection.

Major user means any user of the POTW that:

- (1) Has a discharge to the POTW which averages 25,000 gallons or more per day;
- (2) Is designated by the Township to potentially have an adverse impact, either singly or in combination with other users, on the POTW, or to potentially violate any pretreatment standard, limit, or requirement;
- (3) Is subject to a FCPS; or
- (4) Discharges wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW.

MDNR means the state department of natural resources or its successor.

mg/l means milligrams per liter.

Natural outlet means any outlet into waters of the state such as a pond, ditch, lake, stream, river, or groundwater.

New source means:

- (1) Any building, structure, facility, or installation from which there is or may be a discharge, the construction of which began after the publication of proposed pretreatment standards under section 307(c) of the Act which will apply to the source if the standards are later promulgated provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- (2) Construction on a site at which an existing source is located which results in a modification that rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b or c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

Nondomestic user means a user other than a domestic user.

NPDES permit means a permit issued pursuant to the national pollution discharge elimination system for the discharge of wastewater into the surface waters of the state.

Pass through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, firm, municipality, company, association, society, corporation, partnership, or group, including their officers and employees, who have responsibility for or actual involvement in the matters regulated by this division.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Pollutant means any material which is discharged to the POTW or is proposed for discharge to the POTW. The term "pollutant" also includes properties of those materials such as pH and heat.

POTW or publicly owned treatment works means the treatment works, as defined by section 212 of the Act, which are owned by the city and the collection system owned by the city or the township. The term also means the city, the township, or their authorized representatives. This term includes any devices, processes, and systems used by or for the city and/or the township in the storage, treatment, recycling, or reclamation of wastewater or sludge from the treatment works or the collection system.

POTW treatment plant means the POTW exclusive of the collection system.

Premises means each lot or parcel of land, or building, having any connection, direct or indirect, to the POTW.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR 403.6(d) and (e) as amended.

Public sewer means a common sewer controlled by the township.

Sanitary sewer means a sewer which carries wastewater and to which stormwater and groundwater are not intentionally admitted.

Severe property damage means substantial physical damage to property, damage to the treatment facilities of a user which causes them to become all or partially inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. The term "severe property damage" does not mean economic loss caused by delays in production.

Sewer means a pipe or conduit for carrying wastewater, stormwater, or groundwater.

Slug discharge means a discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

Source means any building, structure, facility, vehicle, or installation from which there is or may be a discharge to the POTW.

State director means the director of the state department of natural resources.

Storm sewer means a sewer intended to carry only atmospheric precipitation, surface runoff, or water from footing drains, but not wastewater.

Suspended solids or *SS* means solids that either float on the surface of or are in suspension in wastewater and which can be removed by standard laboratory filtering.

Tap means the act of providing a point for connection of a service by means of a tee, wye or saddle.

Township, township, or the township means the Township of Scio, Washtenaw County, Michigan.

Township Engineer has the meaning set forth in Chapter 2 of the Scio Township Code of Ordinances.

Total Kjeldahl nitrogen or *TKN* means the measure of the total ammonia nitrogen present in wastewater after any organic nitrogen present has been converted to ammonia nitrogen under standard digestive procedures and expressed in milligrams per liter.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or other limits applicable to the user because of factors beyond the reasonable control of the user. The term "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

U.S. EPA means the United States Environmental Protection Agency or its successor.

µg/l means micrograms per liter.

User means a person who discharges into the POTW and a municipality whose collection system discharges into the POTW.

Wastewater means water discharged to the POTW by a user which may or may not contain other pollutants. The term "wastewater" does not include stormwater or groundwater.

(Ord. of 6-20-1995, § 2:42)

Sec. 34-84. - Management of the POTW.

- (a) The POTW within the township shall be and remain under the management, supervision, and control of the township. The township may employ persons as the township deems advisable to carry out the management and operation of the POTW. The township may make rules or orders as it determines advisable and necessary to ensure the management and operation of the POTW. The standards and rules established in or pursuant to this division are for the preservation of the public health, safety, and welfare, and to fulfill the obligations of the township with respect to state and federal law and all rules and regulations adopted pursuant to them.
- (b) The township shall not furnish sewer service to owners of property outside the township service area, except pursuant to an agreement approved by the township board.

(Ord. of 6-20-1995, § 2:43)

Sec. 34-85. - Waste and wastewater disposal.

- (a) *Waste deposits and water pollution.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner that creates a hazard or threat to human health or the environment upon public or private property within the township, or in any area under the jurisdiction of the township, any wastes, wastewater, garbage or material prohibited by this division for discharge to the POTW.
- (b) *Damage or destruction of sewer system.* No unauthorized 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 municipal sewage system.
- (c) *Discharges to natural outlets.* No person shall discharge without either an NPDES permit or an exemption from NPDES requirements under applicable law to any natural outlet within the township, or in any area under its jurisdiction, either directly or through a township storm sewer.
- (d) *Wastewater disposal.* Except as provided in this division, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (e) *Private system required.* All houses, buildings, or properties which are required by this division or by other authority to have sanitary or industrial wastewater facilities and are located where the POTW is not available or required as specified by the provisions of subsection (h) of this section, shall be equipped at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with the provisions of this section, and all applicable requirements of the state department of public health and the Code. This section shall not apply to any private system which discharges to the POTW or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable state and federal laws.
- (f) *Sanitary operation required.* The owner shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times in accordance with applicable laws and regulations and at no expense to the township. The facilities shall be subject to inspection by the township at reasonable times.
- (g) *Further requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officials or other applicable authorities.
- (h) *Connection to sewer required.* The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, or right-of-way in which the POTW is available, is required, at the owner's expense, to install and maintain suitable wastewater disposal facilities therein and to connect the facilities directly to the POTW in accordance with the provisions of this division within 90 days after the date of official notice to do so, provided that the POTW is within 200 feet (61 meters) of the property line, or if required by the county health department. All wastewater from these houses, buildings, or properties shall be discharged to the POTW. Any septic tanks, cesspools, or similar wastewater disposal facilities shall, upon connection to the POTW, either be emptied of wastes and refilled with suitable material to prevent collapse or removed. This subsection shall not apply to any persons served by a privately constructed, owned, operated, and maintained wastewater sewer and wastewater treatment facility which discharges directly to a natural outlet in accordance with the provisions of this division and applicable state and federal laws.
- (i) *Disconnection from sewer.* Whenever a building is abandoned or demolished, the building's sewer shall be disconnected from the public sewer at the owner's expense, in a manner approved by the township, to adequately protect the POTW. If the owner fails to comply, the Township may order the disconnection. If the owner fails to comply with the order, the Township may have the work performed and the costs assessed to the property.

(Ord. of 6-20-1995, § 2:44)

Sec. 34-86. - Sewer connections.

- (a) Except for Township employees, only township-registered plumbers, licensed sewer installers, and bona fide homeowners, after first obtaining a plumbing permit, street cut permit, and sewer tap permit, or other permits if appropriate, are authorized to uncover any public sewer so that existing tees or deep sewer risers installed during public sewer construction may be utilized.
- (b) The sewer tap shall be made only by the Township or its designee and only after payment of the required sewer tap fee which shall be fixed by the Township and shall not be less than the cost of materials, installation, and overhead attributable to the installation.
- (c) The violation of any terms or conditions of the permits by the applicant shall constitute a revocation and shall operate to suspend and annul any and all rights acquired by the said applicant under the terms thereof.
- (d) The owner or its agent shall make application on forms furnished by the Township. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Township. A permit and inspection fee shall be paid to the township at the time the applications are filed.
 - (1) All costs and expenses incidental to the installation and connection and maintenance of the building sewer and sewer tap shall be borne by the owner.
 - (2) The applicant or contractor shall indemnify the township and its agents from any loss or damage that may directly or indirectly be occasioned by the installation of any such connection.
 - (3) The Township or its designee will furnish and install sewer taps of the size and at the location as the applicant requests in writing, provided that:
 - a. The requests are reasonable;
 - b. An adequate public sewer fronts the premises;
 - c. An adequate tee or deep sewer riser does not exist for required usage;
 - d. A good and safe excavation is provided for the Township tapping personnel or its designee by the owner or its agent;
 - e. The minimum size tap shall be four inches. Any larger size tap is considered special and may require special fittings;
 - f. The maximum size tap shall be one standard size smaller than the public sewer unless a variance in pipe size is approved by the Township;
 - g. Taps into existing manholes shall be prohibited except when permitted by the township's standard specifications; and
 - h. Existing tees and deep risers shall be utilized along with building sewers (stubbed) constructed to the property line at the time the public sewer was constructed.
 - (4) Building sewers to serve individual properties shall be installed to the property or right-of-way line in all existing and proposed rights-of-way, preferably during public sewer construction, but in all cases before street pavement is placed. Materials, joint, workmanship, inspection, and testing shall be equal to those of the public sewer. Records for each service constructed shall be furnished within 30 days to the Township following testing and workmanship acceptance by the Township on Township standard forms. The record shall show size measurement to the nearest downstream manhole and measurement from the public sewer to the sealed end and wooden marker of the building sewer (branch connection). These building sewers shall comply with the township's standard specifications.
 - (5) A separate and independent building sewer shall be provided for every building.

- (6) Old building sewers may be used in connection with new buildings only when they are found by the township to meet all the requirements of this division.

(Ord. of 6-20-1995, § 2:45)

Sec. 34-87. - Capacity required for connection.

No connection to the POTW shall be allowed unless there is sufficient available hydraulic and treatment capacity in the POTW for the additional wastewater from the proposed connection.

(Ord. of 6-20-1995, § 2:46)

Sec. 34-88. - Prohibited discharges.

- (a) *General and local limits.* No user shall discharge, cause to be discharged, or allow to be discharged into the POTW any of the following:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, pollutants with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ATSM standard D-93-79 or D-93-80k (incorporated by reference, see 40 CFR 260.11) or a Setaflash Closed Cup Tester, using the test method specified in ATSM Standard D-3278-78 (incorporated by reference, see 40 CFR 260.11) and pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the POTW.
 - (2) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic health and safety problems for workers.
 - (3) Pollutants which cause or may cause corrosive structural damage to the POTW or having a pH less than 5.0 standard units or more than 10.0 standard units.
 - (4) Solid or viscous pollutants in amounts which could cause or do cause either obstruction to flow or interference in the POTW.
 - (5) Any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause or may cause interference in the POTW.
 - (6) Pollutants which may cause or do cause:
 - a. Impairment of the strength or durability of structures in the POTW.
 - b. Restriction of hydraulic capacity of structures in the POTW.
 - c. Unsafe conditions to personnel in the inspection or maintenance of structures of the POTW.
 - d. Unsafe conditions to the general public, with respect to the collection system.
 - (7) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the flow at the POTW treatment plant headworks exceeds 40 degrees centigrade (104 degrees Fahrenheit) unless the state director, upon request of the POTW, approves alternate temperature limits.
 - (8) Pollutants which cause or may cause pass through or interference.
 - (9) Any pollutants which exceed the limitations set forth in a FCPS.
 - (10) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or a hazard to life.

- (11) Any pollutant introducing colors not removed in the POTW treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.
- (12) Any noncontact cooling water, stormwater, groundwater, or surface water, unless separate POTW facilities are available and identified for the discharges or unless the Township gives written permission to the user for a temporary discharge of the waters based on hydraulic capacity and treatment impacts. Whether or not permission is given for a temporary discharge and its scope and duration shall be at the sole discretion of the Township.
- (13) Any radioactive wastes in quantities defined by applicable state and federal regulations as harmful.
- (14) Any grease or other pollutants that will become solid or viscous at a temperature of 60 degrees centigrade or below after being discharged into the POTW.
- (15) An insoluble substance retained by a standard No. 8 sieve or having any dimension greater than one-half inch (1.27 centimeters).
- (16) Insoluble substances having a specific gravity greater than 2.65.
- (17) Improperly shredded garbage.
- (18) Sludge, screenings, or other residues which result from a treatment process unless the Township has determined that it is amenable to treatment by the POTW without application of unusual means or expense.
- (19) Any petroleum oil or grease, nonbiodegradable cutting oil, mineral oil, whether or not the oils or grease are used oils or grease.
- (20) A seven-day average flow which exceeds two percent of the average daily influent to the entire POTW for the previous calendar year.
- (21) Wastewater causing, alone or in combination with wastewater from other users, the POTW's treatment plant effluent to fail a toxicity test.
- (22) Discharges with concentrations greater than the following specific pollutants:

	Daily Maximum (24-Hour Composite)
BOD	250 mg/l
Total suspended solids	250 mg/l
Total phosphorus	13 mg/l
COD	600 mg/l

	Daily	Instantaneous
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	Maximum	Maximum (grab)
Total beryllium, mg/l	0.01	—
Total cadmium, mg/l	1.0	—
Chlorine demand after 30 minutes detention time, mg/l	15.0	—
Total chromium, mg/l	4.0	—
Total copper, mg/l	4.0	—
Total cyanide, mg/l	1.0*	—
Total lead, mg/l	0.5	—
Total mercury, mg/l	0.0002	—
Total nickel, mg/l	3.0	—
Total phenols, mg/l	0.5*	—
Total zinc, mg/l	3.0	—
Fat, oil, and grease, mg/l**	—	50 *

*Based on daily mean calculated from a minimum of four appropriately spaced grab samples in lieu of 24-hour composite.

**Solvent extractable.

- (b) *Trucked wastes.* No wastes or wastewater shall be discharged by any user or person into the POTW from a vehicle which transported the waste or wastewater to the point of discharge, unless the discharge is approved in writing prior to the discharge by the Township. No wastes or wastewater shall be discharged by any user if the waste or wastewater was at any time transported by a vehicle (such as a tank truck) from its point of generation prior to discharge to the POTW, unless the discharge is approved in writing prior to the discharge by the Township. The Township shall specify which location must be used and any other terms and conditions for the discharges, including a requirement for a use permit.
- (c) *Categorical pretreatment standards.* A user shall comply with all categorical pretreatment standards and any other pretreatment requirements established under 307(b), 307(c), or 402(b)(8) of the Act that are applicable to that user. If a categorical pretreatment standard and another limit contained in

this division or in an applicable state pretreatment requirement regulate the same pollutant, then the more restrictive of them shall apply.

- (d) *Future conditions.* Future conditions imposed on the township by government agencies with proper jurisdiction may require subsequent amendment of this division by the township. Where federal or state law or regulations require limits on parameters not covered in this division or an effective use permit or limits more stringent than those specified in this division or an effective use permit, the state or federal limits shall have precedence and take effect with respect to the applicable user on the later of:
 - (1) The effective date of the federal or state limit; or
 - (2) The date specified for compliance with the limit.
- (e) *Slug discharge.* The Township may, by written notice to a user, require that the user prepare and implement a slug control plan. The plan shall be submitted to the Township for approval as specified in the written notice. The plan shall contain at least the following:
 - (1) A description of discharge practices, including nonroutine batch discharges;
 - (2) A description of stored materials;
 - (3) Procedures for immediately notifying the Township of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow up written notification within five days;
 - (4) Procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- (f) *Special agreements.* Nothing in this section shall be construed as preventing a special agreement between the township and any user, which may be in the form of a use permit, whereby wastewater otherwise prohibited by this section is accepted into the POTW and other special arrangements are made between the township and any user. The special arrangements may include, but are not limited to, pollutant concentration discharge limitations different than those provided in this section. The township shall consider the treatment capacity and treatment capabilities of the POTW in developing discharge limitations for a special agreement. Pollutant concentration discharge limits shall not violate limits specified in federal categorical pretreatment standards. The township shall not be obligated to enter into a special agreement but may do so in its sole discretion. A special agreement shall not create any vested rights or property rights for the user. A special agreement shall not create rights to discharge to the POTW which the user would not have in the absence of a special agreement. The special agreement may be terminated or modified at will by the township. Provisions relating to termination or modification of a special agreement may be more fully set forth in the special agreement. As a condition to the issuance of or entry into a special agreement, the township shall require the user to sign an acknowledgement and acceptance of the provisions of this subsection. The agreement or arrangement may contain provisions for the user to pay a surcharge to the township. A violation of the terms of any special agreement shall be a violation of this division.
- (g) *Reserved right of revision.* The township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.

(Ord. of 6-20-1995, § 2:47)

Sec. 34-89. - Dilution.

No discharger shall increase the use of water, in any way, where one of the purposes of the increase is for diluting the discharge as a partial or complete substitute for adequate treatment before discharge to the POTW to achieve compliance with the requirements set forth in this division, except upon prior written

approval from the Township which approval shall be in the sole discretion of the Township and must be consistent with federal and state law.

(Ord. of 6-20-1995, § 2:48)

Sec. 34-90. - Inspections.

- (a) *Authority of Township.* Authorized representatives of the township exhibiting proper credentials and identification shall be permitted at all reasonable times to enter all user's properties for the purposes of inspection, observation, measurement, sampling, and testing in connection with the administration of and in accordance with the provisions of this division.
- (b) *Safety rules of user.* While on the property of the user, the authorized representatives of the township shall observe all reasonable safety rules applicable to the premises established by the user.
- (c) *Other inspection.* Inspection by state or federal representatives pursuant to law shall not relieve a user from inspection by township representatives, and inspection by the township representatives shall not relieve any user from compliance with lawful inspection by state and federal representatives.

(Ord. of 6-20-1995, § 2:49)

Sec. 34-91. - Wastewater sampling and analyses.

- (a) The prohibitions and restrictions in section 34-89, or as set forth in a special agreement (which may be a use permit), shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and required pretreatment shall be affected before that point is reached.
- (b) All measurements, tests, and analyses of the characteristics of the discharge shall be determined in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, most current American Society for Testing Material (ASTM), and EPA-approved procedures contained in 40 CFR 136, or any validated methods from recognized authority in cases where the above-referenced procedures are not available or do not apply to the characteristic involved, or another method accepted by the township.
- (c) Sampling for daily average shall be 24-hour flow proportioned composite samples except that a minimum of four grab samples shall be taken in lieu of a 24-hour flow proportioned composite sample for a single day for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of four grab samples may be used in lieu of the flow proportioned composite sample if the user demonstrates to the Township that representative samples will be obtained.
- (d) Sampling for daily maximum shall be a 24-hour flow proportioned composite sample except that a minimum of four grab samples shall be taken in lieu of a 24-hour flow proportioned composite sample for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. If it is not feasible to obtain a flow proportioned composite sample, a time proportioned composite sample or a minimum of four grab samples may be used in lieu of the flow proportioned composite sample if the user demonstrates to the Township that a representative sample will be obtained.
- (e) If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days of becoming aware of the violation, except the industrial user is not required to resample if:

- (1) The POTW performs sampling at the industrial user at a frequency of at least once per month; or
- (2) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(Ord. of 6-20-1995, § 2:50)

Sec. 34-92. - Major user sampling and analyses.

Unless otherwise modified by a use permit, the following shall apply:

- (1) Subject to events beyond the control of the major user, major users shall sample or cause to be sampled their discharge by composite flow proportioned sampling. Dilution is prohibited (see section 34-89). The major user shall submit a written description of the specific sampling method, sampling equipment, sampling frequency and sampling location to the Township and obtain the approval of the Township. For users with a new source, this approval shall be obtained prior to commencement of the discharge. Major users discharging as of the effective date of the ordinance from which this division is derived shall obtain the approval within 90 days of that effective date.
- (2) Major users may request to not perform self-monitoring, and upon approval by the township, the township will obtain samples using composite flow proportioned sampling or will contract with an independent firm for the sampling. Dilution is prohibited (see section 34-89). The major user shall pay a sampling fee to the township to fully reimburse the township for the sampling, including administrative and overhead costs. If the township contracts with an independent firm for the sampling, the major user shall pay the township for amounts paid or to be paid by the township to the independent firm plus any related administrative and overhead costs.
- ~~(3) Samples shall be analyzed at the sole cost of the major user. If a major user does its own sampling or causes its samples to be taken, then the user shall submit the samples to a laboratory (which may be the major user's own laboratory) approved by the township for analysis. If the major user uses its own laboratory, that major user shall send a split sample to an independent laboratory at least quarterly as a quality control check. If a major user does its own sampling and/or analysis, the township may also take and have analyzed up to four daily composites or up to four grabs per day for up to four days at the sole cost of the major user in any calendar month. If the township takes the samples, the township, in its sole discretion, may analyze the samples in its own laboratory or contract with an independent laboratory for the analysis.~~
- (4) The date when a sample is taken, start time, stop time, sample location, sampler programming information, and persons involved in the sampling shall be recorded by the major user if the major user is self-monitoring.
- (5) Flow measurements shall be taken to determine the daily discharge volume in a manner and with equipment approved by the Township.
- (6) All analytical results shall be submitted to the township by the 15th day following the completion of the reporting frequency if the major user does self-monitoring. Upon request of the major user, the township shall provide copies of analytical results to the major user if the township performs the monitoring.
- (7) The township shall be provided with splits of any sample taken by a major user if the township requests a split sample. A major user shall be provided with splits of any sample taken by the township if the major user requests a split sample prior to the time the sample is taken. Split samples shall be provided at the time the sample is taken, if possible.
- (8) A major user (who is performing self-monitoring) or the Township (if the major user is not performing self-monitoring) shall contract with an independent company to maintain, repair, and

calibrate the sampling and flow measurement equipment and instruments used to monitor that major user. The maintenance, repair, and calibration shall be performed as necessary so that monitoring data is accurate and representative, but in no event less frequently than twice in a calendar year at reasonable intervals. The Township, in any event, may inspect and test a major user's flow meters at reasonable times. The township may exempt a major user from some or all of the requirements of this subsection if the major user demonstrates that accurate and representative monitoring data is being collected.

(Ord. of 6-20-1995, § 2:51)

Sec. 34-93. - Sampling and analyses by other users.

- (a) Industrial/commercial system users shall install a suitable monitoring manhole on the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be accessibly and safely located and shall be accessible at all times to the Township and shall be constructed in accordance with plans approved by the Township. The manhole, metering and sampling devices shall be installed by the owner at his expense and shall be maintained by him so as to be safe, operable and accessible at all times. Manholes for residential users shall be considered the next closest manhole downstream from the point of connection of the residence on the public sewer system.
- (b) The Township may require any other user to install a suitable control structure and necessary measuring and sampling devices to facilitate the observation, sampling, and measurement of the quantity, composition, and concentrations of discharges to the POTW. The structure and devices shall be constructed and installed at the user's expense in accordance with plans submitted to the Township, and shall be maintained by the user to be safe and accessible during all reasonable times and provide accurate and representative monitoring data. If the user fails to install the required structures or devices, or maintain them, the township may do so at the expense of the user.

(Ord. of 6-20-1995, § 2:52)

Sec. 34-94. - Removal of samples and data.

The township shall have the right to take and remove samples of wastewater and pollutants discharged into the POTW and make copies of other data and materials concerning the same inspected during an entry upon the user's property. If the township requests that the user make photocopies of documents, the township shall give the user at least 24 hours' notice to make copies for the township, but this notice requirement does not affect the rights of the township to immediately copy data or other materials.

(Ord. of 6-20-1995, § 2:53)

Sec. 34-95. - Authority to require submission of samples.

The Township may require any user to submit one or more representative samples of the wastewater discharged or which it proposes to discharge into the POTW.

(Ord. of 6-20-1995, § 2:54)

Sec. 34-96. - Failure to permit access or removal of samples and other data.

In the event a user refuses to permit access to an authorized township representative or permit the representative to obtain, take, and remove samples and make copies of other data pursuant to this division, the township may take any or all of the following actions:

- (1) Order the termination of the discharge of wastewater to the POTW.
- (2) Order the user to permit access within a time certain.
- (3) Issue a citation or notice or order for a violation of this regulation.

(Ord. of 6-20-1995, § 2:55)

Sec. 34-97. - New installation of pretreatment facilities.

- (a) *Notices.* The user or its authorized agent shall notify the Township in writing within five days after the completion of a new installation of pretreatment facilities of the time it intends to initiate operation of them. The user shall notify the Township of when startup of new facilities will occur, the time, and the person who will conduct any tests to be performed. The pretreatment facilities shall not be placed in regular operation until the tests have been conducted to establish that the discharges will be in compliance with this division.
- (b) *Tests by users.* A representative of the township shall be permitted to witness the tests. The cost of the tests shall be paid by the user of the facilities.

(Ord. of 6-20-1995, § 2:56)

Sec. 34-98. - Surveillance report required.

The Township, by written order, may require any nondomestic user to submit periodic reports in a format specified by the township, which shall include information on the quality and quantity of wastewater and pollutants discharged into the POTW. The report shall include the volume of wastewater and concentration of pollutants, and be related to pretreatment standards as shall be required by the Township. The names of all persons responsible for operating and maintaining any pretreatment equipment or pretreatment processes, or responsible for wastewater management at the user's facilities shall be listed in the report with a brief description of each person's duties. The Township may also require additional information from users as to materials or substances which may be discharged to the POTW.

- (1) *Mandatory report.* The Township shall notify each major user that it is required to file surveillance reports.
- (2) *Initial report.* Each nondomestic user who has been notified of its obligation to file surveillance reports shall file an initial report within 60 days from the date the notice is served upon the user.
- (3) *Monthly reports.* Each nondomestic user so notified by the Township may be required to file monthly surveillance reports by the 15th day of the following month for the preceding month.
- (4) *Quarterly reports.* Each nondomestic user required to submit quarterly surveillance reports shall submit the same before January 31, April 30, July 31, and October 31 of each year for the quarter ending on the last day of the preceding month.
- (5) *Semiannual reports.* Each nondomestic user required to submit semiannual surveillance reports shall submit the same in June and December each year, for the preceding six calendar months.
- (6) *Special reports.* A nondomestic user may be required to submit special reports with conditions as defined by the Township.

- (7) *Report on changed discharge.* Each nondomestic user shall promptly notify the Township in advance of any substantial change in the volume or character of pollutants in its discharge, including the hazardous wastes for which the nondomestic user has submitted an initial notification under section 34-101.
- (8) *Signature on reports.* The surveillance reports referred to in this section shall be signed as follows:
- a. By a responsible corporate officer, if the user submitting the reports is a corporation. The term "responsible corporate officer" means:
 1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively.
 - c. By an authorized representative of the individual designated in subsection (8)a or b of this section if:
 1. The authorization is made in writing by the individual described in subsection (8)a or b of this section;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 3. The written authorization is submitted to the Township .
 - d. If an authorization under subsection (8)c of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (8)c of this section must be submitted to the Township prior to or together with any reports to be signed by an authorized representative.
- (9) *Certification.* Any person signing a report or an application submitted due to this division shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

(Ord. of 6-20-1995, § 2:57)

Sec. 34-99. - Notice of major user status.

All nondomestic users shall promptly notify the township, in advance if possible, of a discharge which may convert the user into a major user. Where a change in discharge may convert the user into a major user, the user shall promptly submit an application for a permit to the township.

(Ord. of 6-20-1995, § 2:58)

Sec. 34-100. - Notice of exceedance discharges.

All nondomestic users shall orally report to the Township as soon as possible any discharges, whether intentional, accidental, or otherwise, which are known or reasonably suspected to exceed the limits established by this division, in a use permit, in any other special agreement, in a FCPS, or in any other applicable law or regulation.

- (1) *Notice.* Notice shall be given in advance whenever possible and contain available information regarding the discharge, volume, duration, constituents, cause, loading and concentrations, actions taken or to be taken to prevent future exceedances, and other available information as may be necessary to determine what impact the discharge may have on the POTW. The user shall provide a follow up notice in writing within five days of the oral notice which contains the information provided orally and other relevant information as noted in this subsection.
- (2) *Posting of permit and notice of exceedance information.* All nondomestic users shall post a clearly legible set of instructions in the area where the user manages wastewater so that the report and notice requirements of this section are made known and are available to the user's employees. A user shall also post the user's permit along with these instructions if the user holds a permit. A user shall instruct its employees who have wastewater responsibilities on the reporting and notice requirements of this section so that they are familiar with them.

(Ord. of 6-20-1995, § 2:59)

Sec. 34-101. - Notification regarding wastes which are otherwise hazardous.

- (a) Any nondomestic user that discharges to the POTW any substance which, if disposed of other than by discharge to the POTW, would be a hazardous waste under 40 CFR 261 or under the rules promulgated under the Michigan hazardous waste management act ("Michigan rules") shall notify the Township, the U.S. EPA Region V Waste Management Division director, and the chief of the waste management division of the state department of natural resources of the discharge. The notice shall be given within 180 days after the discharge first occurs. The notice shall be in writing and shall include the name of the hazardous waste set forth in 40 CFR 261 or the Michigan rules and the type of discharge (continuous, batch, or other). If the nondomestic user discharges more than 100 kilograms of hazardous waste per calendar month to the POTW, the notice shall also contain the following information to the extent the information is known and readily available to the nondomestic user:
 - (1) An identification of the hazardous constituents contained in the wastes.
 - (2) An estimation of the mass and concentration of the hazardous constituents in the discharge during that calendar month.
 - (3) An estimation of the mass of constituents expected to be discharged during the following 12 months.
- (b) Notification under this section must be submitted once for each hazardous waste discharged. Notification under this section is not required for pollutants already reported under self-monitoring by nondomestic users under FCPS reporting requirements. A nondomestic user is exempt from notification under this subsection during a calendar month in which the nondomestic user discharges no more than 15 kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). In the case of a new regulation which first regulates a substance as a hazardous waste after August 23, 1990, notification under this subsection shall be made within 90 days of the effective date of the regulation. In any notice submitted under this subsection, the nondomestic user shall certify that it has a program in place to reduce the volume

and toxicity of hazardous wastes generated to the degree the user has determined to be economically practical.

(Ord. of 6-20-1995, § 2:60)

Sec. 34-102. - Reports by the Township regarding users affected by FCPS.

The Township shall notify all nondomestic users that might be subject to FCPS of that fact and of any applicable requirements under 204(b) and 405 of the Act and subtitles C and D of the Federal Resource Conservation and Recovery Act.

(Ord. of 6-20-1995, § 2:61)

Sec. 34-103. - Reports by users regarding FCPS.

Within 180 days after the effective date of a FCPS, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing nondomestic users subject to a FCPS which currently discharge or are scheduled to discharge into the POTW shall submit reports to the Township required by 40 CFR 403.12(b), as amended. At least 90 days prior to commencement of discharge, new sources and nondomestic users that become subject to a FCPS subsequent to the promulgation of an applicable FCPS shall submit the reports to the Township requested by 40 CFR 403.12(b), as amended. Within 90 days following the date for final compliance with applicable FCPS or, in the case of a new source, following commencement of the discharge into the POTW, any nondomestic user subject to FCPS shall submit the reports to the Township required by 40 CFR 403.12(d), as amended. In addition, any nondomestic user subject to a FCPS, after the compliance date of the FCPS, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit the periodic reports to the Township required by 40 CFR 403.12(e), as amended.

(Ord. of 6-20-1995, § 2:62)

Sec. 34-104. - Radioactive materials notice.

Users whose discharge contains or could contain radioactive materials shall notify the Township of that fact and all known information concerning the discharge as soon as possible after becoming aware of it.

(Ord. of 6-20-1995, § 2:63)

Sec. 34-105. - Maintenance of records.

Any nondomestic user subject to the sampling, analysis, or reporting requirements in this division, including reports under 40 CFR 403.12, as amended, shall maintain copies of the reports and records pertaining to those reports. Reports and records shall be retained by the user, and by the township if the reports and records have been submitted to the township, for at least three years. This period shall be extended during the course of any unresolved litigation regarding the discharges of the user or the POTW pretreatment program or when requested by the Township, the state director, or U.S. EPA. All nondomestic users who have records regarding their generation, treatment, storage, or disposal of hazardous waste or solid waste shall maintain those records for that period and make them available to the township for inspection and copying, subject to the provisions contained in section 34-115. The terms "hazardous waste" and "solid waste" shall have the same definition as provided in the Michigan hazardous waste management act, as amended, and rules promulgated thereunder.

(Ord. of 6-20-1995, § 2:64)

Sec. 34-106. - Major user permit—Application.

- (a) A major user must have a use permit to discharge to the POTW. Every nondomestic and major user shall apply for the permit within 30 days after receipt of a blank application from the township. To establish whether a nondomestic user should be classified as a major user, nondomestic users shall file a permit application with the township which will consist of the following information, to the extent required in the permit application.
- (1) Name, address, and location of the user.
 - (2) Whether the user is a corporation, partnership, proprietorship, or some other entity (if so, what type of entity), and the name of the person responsible for discharges by the user.
 - (3) Standard Industrial Classification (SIC) number according to the Standard Industrial Manual, Bureau of the Budget, 1972, as amended.
 - (4) Discharge constituents and characteristics, including, but not limited to, toxic pollutants as determined by appropriate chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the U.S. Environmental Protection Agency and contained in 40 CFR 136, as amended.
 - (5) Time and duration of discharges.
 - (6) Average daily and instantaneous peak discharge flow rates in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Township.
 - (7) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and other relevant equipment by size, location, and elevation.
 - (8) Description of activities, facilities, and plant processes on the premises, including all materials which are or may be discharged to the POTW intentionally or by accident.
 - (9) Nature and concentration of any pollutants in the discharge limited by this division, together with a statement regarding whether or not compliance is being achieved with this division on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this division.
 - (10) Each product produced by type, amount, process or processes, and rate of production.
 - (11) Type and amount of raw materials used (average and maximum per day or other relevant time period), including copies of material safety data sheets.
 - (12) A list and copy of all environmental permits held by the user applicable to the site to which the use permit applies.
 - (13) Any other information as may be deemed necessary by the Township to evaluate the permit application.
- (b) All permit applications shall be signed by the person described in section 34-98(8). In the case of new sources, the applicant shall supply estimated expected information to the extent actual data is not available. New sources who will be major users shall submit a complete permit application at least 90 days prior to the commencement of its discharge to the POTW.

(Ord. of 6-20-1995, § 2:65)

Sec. 34-107. - Same—Issuance.

The Township shall evaluate the application and data furnished by the user and may require additional information from the user to complete the application. Within 120 days after the submission of a complete application, the Township shall make a determination as to whether the applicant is a major user. The Township shall notify the applicant if the Township determines the applicant is not a major user. For a major user, the Township shall issue or deny a permit subject to terms and conditions of this division.

(Ord. of 6-20-1995, § 2:66)

Sec. 34-108. - Same—Term.

A major user permit shall be issued for a term not to exceed five years. The Township may issue the permit for a shorter period. A permittee shall apply for reissuance of a permit by submitting a complete application at least 180 days prior to the expiration of the existing permit. If a permittee complies with this section, the existing permit shall continue until final action is taken by the Township on the application for renewal.

(Ord. of 6-20-1995, § 2:67)

Sec. 34-109. - Same—Modifications.

- (a) The Township shall have the right to amend any permit issued by the Township in order to:
 - (1) Ensure compliance by the POTW with applicable laws, regulations, and the POTW NPDES permit;
 - (2) Account for significant changes in discharges by the user;
 - (3) Account for new information concerning the pollutants discharged by the user;
 - (4) Reflect changes in federal or state laws and regulations or in township ordinances;
 - (5) In the event there are operational changes at the POTW that, as determined by the Township, require revision of the permit; or
 - (6) Modify or terminate any special agreement provision contained in a permit.
- (b) The user shall be informed of any changes in the permit at least 30 days prior to the effective date of the change, unless a shorter time is necessary to meet applicable law or to protect human health or the environment.

(Ord. of 6-20-1995, § 2:68)

Sec. 34-110. - Same—Conditions.

- (a) The user permit will specify the following:
 - (1) Statement of duration (no more than five years).
 - (2) Statement regarding transferability.
 - (3) Statement of applicable civil and criminal penalties for violation of discharge limitations, pretreatment requirements, and compliance schedules.
 - (4) Effluent limits.

- (5) Self-monitoring, sampling, reporting, modification and recordkeeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency and sample type.
- (b) User permits may specify any or all of the following if determined to be applicable by the township:
 - (1) Schedule of fees and charges.
 - (2) Limits on the average and maximum wastewater constituents and characteristics.
 - (3) Limits on average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Requirements for installation and operation of discharge flow monitors.
 - (6) Special conditions as the Township may require under particular circumstances for a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
 - (7) Compliance schedules.
 - (8) Requirements for submission of special technical reports or discharge reports where different from those prescribed by this division.
 - (9) Requirement for notification to the township of a discharge which exceeds a limit in the permit, of changes in the discharge which result in the discharge of a pollutant not described in the permit application, or in amounts in excess of the maximum described in the permit application.
 - (10) Other conditions, as determined by the Township, necessary to ensure compliance with this division and other applicable laws.

(Ord. of 6-20-1995, § 2:69)

Sec. 34-111. - Same—Fees.

Major users shall pay use permit fees to the township in amounts to reimburse the township for its costs of processing the application, in administering the permit once it is issued, and in processing renewal applications. These fees shall be set by resolution of the township board.

(Ord. of 6-20-1995, § 2:70)

Sec. 34-112. - Same—Revocation or nonrenewal.

- (a) The Township may revoke a permit during its term or deny a permit renewal if:
 - (1) The permittee has failed to comply with any condition of the permit.
 - (2) The permittee fails, in the permit application or during the permit issuance process, to disclose fully all relevant facts, or the permittee misrepresents any relevant fact at any time.
 - (3) The Township determines that the permitted discharge endangers human health or the environment and the threat can only be abated by revocation or denial of the permit.
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of the discharge.
 - (5) The permittee is in default, after having received written notice of the default, in the payment of fees or other amounts owed to the township related to wastewater matters.
 - (6) Noncompliance by the permittee with any provision of this division.

- (b) Upon revocation or denial of its permit, a user shall immediately terminate its discharge to the POTW.

(Ord. of 6-20-1995, § 2:71)

Sec. 34-113. - Same—Compliance.

A user shall comply with all of the provisions of its permit. A violation of any provision of a permit is a violation of this division, subject to the penalty, damage, surcharge, and other enforcement provisions of this division.

(Ord. of 6-20-1995, § 2:72)

Sec. 34-114. - Same—Limitations on transfer.

Major user permits are issued to a specific user for a specific operation at a specific location and are not assignable to another user or transferable to any other location without prior written approval of the Township. The Township shall approve a use permit transfer and make the necessary minor modifications to the use permit to show the transferee as the permittee, if the following conditions exist:

- (1) Neither the transferor nor transferee have violated any provision on the use permit or of this division during the six-month period preceding the date of the transfer.
- (2) As of the date of the transfer, there are no unpaid charges or fees due to the township from the transferor or transferee related to use of the POTW.
- (3) The application for the use permit filed by the transferor remains the same with respect to the discharge, facilities, and activities of the transferee, except as to the identity of the discharger.
- (4) The transferor provides written evidence to the Township that a copy of the use permit has been provided to the transferee.

(Ord. of 6-20-1995, § 2:73)

Sec. 34-115. - Confidential information.

The following confidentiality provisions shall apply:

- (1) All information and data submitted to the township relating to matters regulated in this division are presumed not to be confidential. Information submitted by a user shall be clearly marked on each page as to the portion considered by the user to be confidential and accompanied by a written explanation of why the user considers the information confidential. Mere marking of a page as confidential does not necessarily mean that the information on that page must be kept confidential.
- (2) Information furnished to the township on the volume or characteristics of wastewater or pollutants discharged or proposed to be discharged into the POTW shall be available to the public or other governmental agency without restriction. When requested by a user furnishing information, the portions of the information submitted which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this division, the National Pollutant Discharge Elimination System (NPDES) permit, and/or the pretreatment programs; provided, however, all of that information shall be available for use by the state, any state agency or the township in judicial review or enforcement proceedings involving the user furnishing the information. The township shall notify a user, who has requested and is entitled to confidentiality for information furnished by the user to the township, that the township has sent

the confidential information to another governmental agency that has made a written request for it.

- (3) Where a user has mass-based limits as allowed by certain categorical pretreatment standards on a production basis, the production data necessary to determine compliance must also be provided by the user to the township and be available to the public. Where application of the combined wastestream formula is necessary to apply categorical pretreatment standards to a user, the flow measurements and other data used in the calculation must be provided by the user to the township, and be available to the public.
- (4) Observations made by the Township are subject to the confidentiality provisions of this section as if they were in writing if the user specifies in writing to the township the observations made by the township inspector for which the user seeks confidentiality.

(Ord. of 6-20-1995, § 2:74)

Sec. 34-116. - Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. In the maintaining of these interceptors, the owners shall be responsible for the proper 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 Township. Any removal and hauling of the collected material not performed by the owner's personnel must be performed by licensed waste disposal firms.

(Ord. of 6-20-1995, § 2:75)

Sec. 34-117. - General standards for pretreatment.

In the event a user discharges or proposes to discharge wastewater or pollutants to the POTW which are prohibited by this division, the Township may take any or all of the following steps:

- (1) Issue an order pursuant to this division.
- (2) Impose surcharges as specified in section 34-122. The obligations of a user under sections 34-118 and 34-119 and any order concerning same shall be subject to the terms of section 34-120.

(Ord. of 6-20-1995, § 2:76)

Sec. 34-118. - Pretreatment.

Any user subject to an order to pretreat shall prepare a plan to effect and achieve the pretreatment of its discharge so that the discharge shall comply with the final order. The plan shall be submitted to the Township within the period specified in the order. The plan shall be prepared in accordance with good engineering practices and shall state whether construction is necessary as well as identify the measures which may be implemented without construction. The plan shall propose a schedule of compliance for the completion of each of the various phases necessary to implement full pretreatment.

(Ord. of 6-20-1995, § 2:77)

Sec. 34-119. - Pretreatment compliance.

- (a) *Schedule of compliance.* The schedule of compliance shall consist of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to compliance with a pretreatment standard, or other limitation, prohibition, or standard.
- (b) *Steps or phases.* The following steps or phases shall be included in the schedule of compliance, where applicable and appropriate:
 - (1) Retention of qualified professional services.
 - (2) Completion of any necessary engineering or scientific investigations or surveys.
 - (3) Preparation and submission of a preliminary plan to achieve pretreatment.
 - (4) Preparation of plans and specifications, working drawings, or other engineering or architectural documents which may be necessary to implement pretreatment.
 - (5) Establishment of a date to let any contract for any necessary construction.
 - (6) Establishment of completion dates for any necessary construction.
 - (7) Establishment of a date to accomplish full pretreatment required by the final order.
 - (8) Establishment of separate timetables for a phase or unit when a phase or unit of construction or implementation may be accomplished independently of another phase or unit.
- (c) *Amendment.* The order shall be subject to amendment, change, or revocation, provided notice of the action shall be served upon the user in the same manner as in the original order and subject to the same procedure for review and appeal.

(Ord. of 6-20-1995, § 2:78)

Sec. 34-120. - Federal categorical pretreatment standards (FCPS).

- (a) *Compliance date.* A user to which a promulgated federal categorical pretreatment standard applies must comply with the standard within the time period provided for in 40 CFR 403.6(b), as amended.
- (b) *Net/gross and FCPS.* A user may apply to the Township for an adjustment in a FCPS to reflect the presence of pollutants in the user's intake water in accordance with 40 CFR 403.15, as amended. In the event an adjustment is made, the adjusted FCPS shall apply, provided the adjustment will not result in interference or pass through.

(Ord. of 6-20-1995, § 2:79)

Sec. 34-121. - Containment facilities.

- (a) Each nondomestic user that uses or stores liquid material on its facilities which if discharged would be prohibited by this division shall, at its expense:
 - (1) Provide a storage or use area on its facilities which is capable of containing the liquid material so that, in the event of an accident, liquid material cannot escape by gravity through private sewers or otherwise into the POTW in an amount which would result in a prohibited discharge; and
 - (2) Establish and follow procedures for preventing, managing, and remediating accidental spills, leaks, or escapes of liquids.
- (b) The Township may order the nondomestic user to take interim measures for emergency containment if circumstances so require. Each nondomestic user shall submit to the Township a

written description of its containment facilities and procedures within 30 days after being requested to do so by the Township.

(Ord. of 6-20-1995, § 2:80)

Sec. 34-122. - Surcharges.

- (a) Users exceeding either, or both, of the following limitations shall be subject to the imposition of one or more surcharges as provided by this section:
 - (1) The limitations established by section 34-88 where no order or permit has been issued to that user; or
 - (2) The limits contained in a pretreatment order or use permit applicable to that user.
- (b) A user subject to a surcharge shall reimburse the township for any costs or expenses, direct or indirect, including administrative fees as set by resolution of the Township Board, which the township may incur in handling or treating the discharge, or which may be imposed upon the township, where the exceedance of limits causes or contributes to the costs or expenses
- (c) The amount of the surcharge may be based upon one or more of the following:
 - (1) The volume of the discharge.
 - (2) The length of time the discharge occurred.
 - (3) The composition of the discharge.
 - (4) The nature, extent, and degree of success the POTW may achieve in minimizing or mitigating the effect of the discharge.
 - (5) The toxicity, degradability, treatability, and dispersal characteristics of the discharges.
 - (6) Costs incurred by the township to treat the discharges, including operation and maintenance, capital costs, replacement costs, and sludge handling and disposal costs.
 - (7) Fines and penalties imposed on the township. The surcharge may also include the township's costs of defense (including actual attorneys' fees, consultant fees, and sampling and analytical fees) of actions brought or threatened against the township by the state or federal government or third parties.
 - (8) Any damages to the POTW or damages imposed upon the township by the state or federal government or third parties.
 - (9) Any other factors as the Township deems appropriate under the circumstances.
- (d) The Township shall calculate the amount of the surcharge to be assessed against the user. The Township may waive a de minimis surcharge.

(Ord. of 6-20-1995, § 2:81)

Sec. 34-123. - Upset liability.

In the event of an upset, the user shall not be liable for the fines, imprisonment, or civil penalties provided for in this division, but the user is still liable to the township for surcharges and damages. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof by clear and convincing evidence. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause of the upset;

- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with appropriate and applicable operation and maintenance procedures;
- (3) The user has submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(Ord. of 6-20-1995, § 2:82)

Sec. 34-124. - User responsibility in case of upset.

The user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and other applicable limits upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement includes the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. of 6-20-1995, § 2:83)

Sec. 34-125. - Bypass.

- (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW if possible, at least ten days before the date of the bypass.
- (b) A user shall submit oral notice of an unanticipated bypass that exceeds applicable categorical pretreatment standards and other applicable limits to the POTW within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis only if the oral report has been received within 24 hours.
- (c) Prohibition of bypass. A bypass is prohibited, and the Township may take enforcement action against a user for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. If the bypass occurred during normal periods of equipment downtime or preventative maintenance this condition is not satisfied. If adequate backup equipment should have been installed in the exercise of reasonable engineering judgment;
 - (3) The user submitted notices as required under subsection (a) or (b) of this section; and
 - (4) The user must repeat the sampling and analysis and submit the results of the repeat analysis to the township within 30 days after becoming aware of the violation.

- (d) POTW-approved bypass. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (c) of this section.

(Ord. of 6-20-1995, § 2:84)

Sec. 34-126. – Reserved.

(Ord. of 6-20-1995, § 2:85)

Sec. 34-127. - Notice of violation.

The Township may issue a notice of violation with or without an order against any user believed to be in violation of this division and determine the civil administrative penalty, if any, to be imposed.

- (1) *Service.* The notice of violation shall be served upon the user either by personal delivery or by first class mail addressed to the user at his billing address, except that an immediate cease and desist order may be written or oral, and may also be served by telephone.
- (2) *Content.* The notice of violation shall specify the following:
 - a. Date and time of issuance.
 - b. Date, time, and place of violation and the nature of the violation.
 - c. Possible penalties under this division.
 - d. The right of the alleged violator to present to the Township written explanations, information, or other materials in answer to the notice, including any defenses.

(Ord. of 6-20-1995, § 2:86)

Sec. 34-128. - Orders.

Whenever the Township has determined that any user has violated this division or other applicable laws or regulations which the township is authorized to enforce, the Township may issue an order, with or without a notice of violation and whether or not a notice of violation was previously issued, to take actions deemed appropriate by the Township under the circumstances.

(Ord. of 6-20-1995, § 2:87)

Sec. 34-129. - Types of orders.

- (a) *Types.* The following orders may be issued by the Township:
- (1) *Immediate cease and desist.* An order to immediately cease and desist from discharging any wastewater or pollutant which presents or may present imminent or substantial endangerment to the health or welfare of persons or the environment or could cause interference with the operation of the POTW. The order shall be final and in effect until a hearing, if requested, is concluded and a final decision is made by the Township pursuant to this division. If a hearing is requested, it shall be held as soon as reasonably possible, but not to exceed five calendar days after the date the request for a hearing is received by the Township. The hearing will be held only if requested by the user.
 - (2) *Order to show cause.* The Township may issue an order to show cause why an order to cease discharge by a certain time and date or perform other actions should not be issued.

Nonpayment of use permit fees and noncompliance with any term of a use permit shall constitute sufficient cause for an order to cease discharge within a time certain. The order may contain conditions or requirements as deemed appropriate by the Township, including, but not limited to, a requirement to do the following:

- a. Submit samples.
 - b. Install sampling or monitoring equipment.
 - c. Submit reports.
 - d. Permit access for inspection, sampling, tests, monitoring, and investigations.
 - e. Install and operate pretreatment equipment.
 - f. Reduce or eliminate a discharge or pollutants in a discharge.
 - g. Payment of use permit fees.
- (b) *Content.* Any order issued by the Township shall contain the facts and reasons and grounds for its issuance, and the remedial action ordered as well as the time within which the action shall be taken. No order is insufficient for inconsequential errors and omissions in the facts or reasons and grounds for the order. If any user believes the content of the order to contain insufficient information, it may ask the Township for additional information. Multiple orders may be issued simultaneously or in combination as a single order by the Township with respect to a single user.

(Ord. of 6-20-1995, § 2:88)

Sec. 34-130. - Disconnection.

The Township may disconnect a user from the collection system if the user violates any provision of a final order or an issued immediate cease and desist order, whether final or not.

(Ord. of 6-20-1995, § 2:89)

Sec. 34-131. - Informal conference for notice of violations, surcharge, order, penalty, or other action on a permit.

An informal conference with the township supervisor or the designee of the township supervisor may be requested in writing, in a format and with information substantially conforming to requirements designated by the township, by any user believing itself aggrieved by any notice of violation, order, surcharge, penalty, or action on a permit by the Township within five calendar days after the notice of violation, order, notice of a surcharge, penalty, or action on a permit has been served upon the user. The request for an informal conference shall be submitted to the township supervisor. The purposes of the informal conference are to discuss the matter by which the user believes itself aggrieved and to attempt to reach a settlement of the matter agreeable to the user and the township. The township supervisor is not required to reach any conclusion or provide a decision as a result of an informal conference. If a request is received, the township supervisor shall hold the informal conference within ten calendar days of receipt of the request. A user is not required to request or participate in an informal conference as a precondition to requesting and participating in a hearing under section 34-132, nor is a user required to request or participate in a hearing under section 34-132 as a precondition to requesting and participating in an informal conference. If a hearing is held under section 34-132, the hearing is not an appeal from an informal conference.

(Ord. of 6-20-1995, § 2:90)

Sec. 34-132. - Right to hearing.

- (a) *Request in writing.* A hearing before the Township Board may be requested in writing, in a format and with information substantially conforming to requirements established by the township, by any user believing itself aggrieved by any notice of violation, order, surcharge, penalty, or action on a permit by the Township within 30 calendar days after the notice of violation, order, notice of a surcharge, penalty, or action on a permit has been served upon the user. The request for a hearing shall be submitted to the township supervisor.
- (b) *Fee.* A hearing fee, if established by resolution of the Township Board, must accompany any request for a hearing filed under this section.
- (c) *Procedure; time period.* If a hearing is not demanded within the time period provided herein, the action taken by the Township shall be deemed final. In the event a hearing is demanded, the action shall be suspended until the hearing is completed; provided, however, that immediate cease and desist orders issued pursuant to this division shall not be suspended.
 - (1) *Hearing officer.* The township supervisor shall be the hearing officer. The hearing officer may retain one or more persons ("experts") who are not employees of the township to advise the hearing officer in matters related to the hearing. The expert may or may not participate in the presentation of evidence and arguments. If the expert prepares a written report or opinion, the parties to the hearing shall be given an opportunity to review it and submit written comments on it.
 - (2) *Time.* The hearing shall be promptly scheduled to commence at the earliest practicable date, but not later than 30 days after receipt of the request unless extended by mutual written agreement.
 - (3) *Content of request for hearing.* Any written request for a hearing shall be signed by the user requesting the hearing or by a duly authorized officer, agent, or attorney, shall be directed to the township supervisor, and shall contain the following:
 - a. The name and address of the user requesting the hearing.
 - b. A copy of the notice of violation, order, or the notice of any surcharge, penalty, or action on a permit.
 - c. A statement of the defenses and issues to be raised at the hearing.

(Ord. of 6-20-1995, § 2:91)

Sec. 34-133. - Procedure for conduct of hearing.

Hearings on any notice of violation, order, notice of surcharge, penalty, or action on a permit issued by the Township shall be conducted under the procedure set forth in this section.

- (1) *Rules of evidence.* Hearings shall be informal and need not be conducted according to the strict technical rules relating to evidence and witnesses.
- (2) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation.
- (3) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence.
- (4) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
- (5) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence may be excluded by the hearing officer.
- (6) *Rights of parties.* At the hearing, each party shall have the following rights:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing.
 - b. To introduce documentary and physical evidence.
 - c. To cross examine opposing witnesses on any matter relevant to the issues of the hearing.
 - d. To impeach any witness regardless of which party first called the witness to testify.
 - e. To rebut adverse evidence.
 - f. To representation of his choice.
- (7) *What may be noticed.* In reaching a decision, official notice may be taken either before or after submission of the case for decision of any fact, law, or regulation which may be judicially noticed by the courts of the state.
- (8) *Inspection of the premises.* The hearing officer may inspect any building or premises involved in the hearing.
- (9) *Record.* A record of the proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment by the requesting party of the costs of transcription.

(Ord. of 6-20-1995, § 2:92)

Sec. 34-134. - Decision of Township Board.

The Township Board shall review the evidence and within 15 days after the close of the hearing, issue a written decision.

- (1) *Form of decision.* The decision shall contain findings of fact, a decision on each of the points raised by the user, and an explanation of the reasons for the decision. A copy of the decision shall be delivered personally or sent by first class mail to the user.
- (2) *Effective date of decision.* The effective date of the decision shall be as stated in the written decision.

(Ord. of 6-20-1995, § 2:93)

Sec. 34-135. - Judicial review.

Appeals from the decision of the township board shall be made to a court of competent jurisdiction as provided by law.

(Ord. of 6-20-1995, § 2:94)

Sec. 34-136. - Continuing offense.

Each and every day, or portion thereof, of any violation of this division or a use permit or a final order issued under this division by any user shall constitute a separate and new violation by the user and shall be punishable for administrative, civil, and criminal penalties.

(Ord. of 6-20-1995, § 2:95)

Sec. 34-137. - Surcharges.

In addition to prosecution and the imposition of penalties for violations, a user violating this division, a use permit, or a final order shall be subject to one or more surcharges under this division.

(Ord. of 6-20-1995, § 2:96)

Sec. 34-138. - Administrative civil penalties.

Any user violating this division, a use permit, or a final order is subject to an administrative civil penalty to be determined and assessed by the township not to exceed \$500.00 per day per violation. The \$500.00 shall be adjusted upwards as of the effective date of state legislation which authorizes a township to impose penalties higher than \$500.00. The township, in calculating the amount of the penalty, shall consider the frequency of violations by the user, the impact of the violation on the POTW and human health and the environment, the magnitude of the violation, and other factors believed appropriate by the township manager.

(Ord. of 6-20-1995, § 2:97)

Sec. 34-139. - Violation constitutes a public nuisance.

Violations of this division, a use permit, or a final order are hereby declared to constitute a public nuisance.

(Ord. of 6-20-1995, § 2:98)

Sec. 34-140. - Civil judicial relief.

The Township is hereby empowered, with the township attorney, to institute legal proceedings in a court of competent jurisdiction for the abatement of any nuisance, and to seek relief for violations of this division, a use permit, or a final order. The township may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief as a court may order. The township may also seek collection of surcharges and penalties which the user has not paid. The township, with the township attorney, may seek other relief, including nonjudicial relief.

(Ord. of 6-20-1995, § 2:99)

Sec. 34-141. - Judicial civil penalties.

In any action brought by the township against a user for violation of this division, a use permit, or a final order, a court of competent jurisdiction may impose a civil penalty of up to \$500.00 per day per violation. The \$500.00 shall be adjusted upwards as of the effective date of state legislation which authorizes a township to impose penalties higher than \$500.00. The adjustment shall be to the maximum amount then authorized by the laws of the state.

(Ord. of 6-20-1995, § 2:100)

Sec. 34-142. - Criminal penalties.

Any user who violates any provision of this division or a use permit or a final order issued under this division or who fails to pay a civil administrative penalty, shall be guilty of a misdemeanor, punishable by imprisonment not to exceed 90 days or a fine not to exceed \$500.00, or both.

(Ord. of 6-20-1995, § 2:101)

Sec. 34-143. - Cumulative remedies.

The imposition of a single penalty, fine, order, damage, or surcharge upon a user for a violation of this division, a use permit, or a final order shall not preclude the imposition by the township or a court of competent jurisdiction of a combination of any or all of the sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable statutory limitations on penalty amounts. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, judicial, or township administrative proceeding, conference, or hearing regarding the user.

(Ord. of 6-20-1995, § 2:102)

Sec. 34-144. - Responsible corporate directors, officers, and employees.

An individual who is an employee, officer, or director of a user which is an entity other than an individual shall be individually subject to the civil administrative, civil judicial, and criminal penalties and sanctions under this division if the individual personally participated in the acts or omissions which constituted the violation or if the individual has responsibility for wastewater matters of the user or responsibility for the overall operation of the user or for the user's facility at which the violation occurred.

(Ord. of 6-20-1995, § 2:103)

Sec. 34-145. - Lien for charges and fees.

If a charge, fee, expense incurred due to the inaction of a user or other amounts due from a user under this division or due under other ordinances or resolutions of the township for or in connection with use of the POTW, including use permit fees, is not paid when due, the amount due may be certified to the tax assessor and assessed against the lot or parcel of land upon which is situated the premises served and collected or returned in the same manner as municipal taxes against real estate are certified, assessed, collected, and returned, and shall be a lien upon the lot or parcel of land coordinate with the lien of the municipal taxes from the time of certification to the tax assessor.

(Ord. of 6-20-1995, § 2:104)

Sec. 34-146. - Publication of significant violators.

The POTW shall publish, once per year in the largest daily circulation of a newspaper in the township, a public notice of users which, at any time during the previous 12 months, were in significant violation of federal, state, or township pretreatment standards or requirements. For the purposes of this section, a user is in significant violation if its violations meet one or more of the following criteria:

- (1) Chronic violation of discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the POTW believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, and has resulted in the POTW's exercise of its emergency authority to halt or prevent the discharge;
- (5) Violation, by 90 days or more after the schedule date, of a compliance schedule milestone contained in a permit or enforcement order, for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 30 days of the due date;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which the POTW considers to be significant.

(Ord. of 6-20-1995, § 2:105)

Sec. 34-147. - Falsifying information.

It is unlawful for any person to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this division, a use permit (or any other special agreement), or a final order, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this division. A violation of this section is a misdemeanor punishable as provided by law.

(Ord. of 6-20-1995, § 2:106)

Sec. 34-148. - Sewer ~~use~~ charges and rates.

Each premises abutting a public gravity sanitary sewer line within the township which is required to connect to said sanitary sewer line by the provisions of this division, shall pay a charges based on the rates set forth in this section. Said charges shall be due and payable and commence as of the date said premises are connected to this system or immediately upon the elapse of the allowed waiting period after township sewage collection facilities become available to a property.

(Ord. of 6-20-1995, § 3:20)

Sec. 34-149. - Development of user charges.

- (a) The wastewater service charge for users of the system shall be based on metered water consumption, estimated water consumption, operation and maintenance, capital replacement, debt service as set forth in the rate resolution of the Township Board.
- (b) The operation and maintenance costs, replacement costs and debt service costs shall be computed as follows:

- (1) Estimate the projected annual expenditures required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories;
- (2) Proportion the estimated costs of the wastewater facility categories by volume, suspended solids (SS), biochemical oxygen demand (BOD), phosphorus, and total Kjeldahl nitrogen, if possible.
- (3) Estimate wastewater volume, pounds of SS, BOD, phosphorus and total Kjeldahl nitrogen to be treated;
- (4) Proportion the estimated costs to nonindustrial users by volume, suspended solids, BOD, phosphorus and total Kjeldahl nitrogen;
- (5) Compute costs per 1,000 gallons of metered water used for normal sewage strength;
- (6) Compute surcharge costs per pound in excess of normal sewage strength for BOD, SS, phosphorus and total Kjeldahl nitrogen;
- (7) The debt service charge shall be computed by dividing the annual debt service of all outstanding loans by the number of REUs. Through further divisions, the monthly debt service charges can be computed.

(Ord. of 6-20-1995, § 3:21)

Sec. 34-150. - Basis of billing charges.

The basic user charge for wastes having normal concentrations shall be based on:

- (1) Premises connected to the township sewer system shall be charged for sewer usage as recorded through approved water meters, with a minimum charge to be based upon one residential equivalent unit for residential dwellings. Owners of single-family residences shall be permitted to install an additional water meter in accordance with township engineering standards to determine the quantity of water used outside of the dwelling unit that will not enter the township sanitary system. Sanitary sewer user charges will be based only on the quantity of water that is utilized within the dwelling when a dwelling is equipped with the aforesaid additional meter.
- (2) For premises not connected to the township water system, the Township may require a meter to be installed on the private water supply, at the expense of the property owner. All installation, repairs, maintenance and other service costs shall be the responsibility of the property owner. Each building shall be serviced by no more than one meter. A minimum charge to be based upon the residential equivalent use or other estimated usage as determined by resolution of the Township Board.
- (3) The property owner, a user who is responsible for payment of the billing charges, or the Township may seek an adjustment to the billing charges if the billing charges are reasonably believed to be inaccurate. However, the billing period that may result in an adjustment shall not exceed 12 months from the date the Township is notified or discovers the inaccuracy.

(Ord. of 6-20-1995, § 3:22)

Sec. 34-151. - Determining sewage flow for purposes other than billing.

To determine the sewage flow from any establishment, the Township may use one of the following methods:

- (1) The amount of water supplied to the premises by the city or private water company as shown upon the water meter if the premises are metered;

- (2) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources may be metered at the source or metered at its point of discharge prior to entry into the township sewer;
- (3) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the Township from the water, gas or electric supply or metered at its point of discharge prior to entry into the township sewer;
- (4) The volume of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the sewer system at his own expense in accordance with the terms and conditions of the permit issued by the Township pursuant to this section; or
- (5) A figure determined by the Township by any combination of the foregoing or by any other equitable method.

(Ord. of 6-20-1995, § 3:23)

Sec. 34-152. - Review of rates.

The adequacy of the wastewater service charge shall be reviewed annually by the township. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs in accordance with applicable federal regulations.

(Ord. of 6-20-1995, § 3:24)

Sec. 34-153. - Other fees and charges.

In addition to the user charges established above, users of the system shall pay for the privilege of connecting to the system as well as any other specific fees deemed reasonable by the Township Board that relate to connecting to the system, due and payable at time application is made for connection to the system.

(Ord. of 6-20-1995, § 3:25)

Sec. 34-154. - Roadway cutting and boring fee and permits.

When a connection is required to a sanitary sewer located within the public right-of-way where no service lateral has been installed to the property line, there shall be a roadway cutting or boring permit obtained from the county road commission. At the time such permit is obtained a fee shall be collected, said fee to cover the cost of restoring the roadway to its original condition. Said permit shall be obtained and fee paid at the time application is made for said connection.

(Ord. of 6-20-1995, § 3:26)

Sec. 34-155. - Connection fee.

- (a) *Connection.* For each connection to lines of the system there shall be charged a fee per residential equivalent unit, as set by the township board.

- (b) *Residential equivalent unit factor.* Premises other than a single-family dwelling shall pay a connection charge for new facilities, additions to existing facilities, or changes in use to existing facilities, based on one residential equivalent multiplied by the appropriate unit factor as determined by the Engineering Standards. In a case of an occupation or use that is not specifically set forth in section 34-169, the Township is authorized and shall interpret the unit factor of the same reasonably consistent with the unit factors that are set forth in township engineering standards. Any person claiming to be aggrieved by such determination shall have the right to appeal the same for determination by the township board.
- (c) *Payment of connection charges.* Connection charges as set forth above shall be due and payable upon application for connection to the system.
- (d) *Credit for special assessments.* The amount of any connection fee determined from the above shall be reduced by applying a credit for benefits specially assessed against said property but in no event shall the credit exceed the amount of the connection fee.

(Ord. of 6-20-1995, § 3:27)

Sec. 34-156. - Establishment of charges action by resolution.

The rates, special rates, and any fees and/or surcharges to be imposed by this division shall be in accordance with the respective schedule for such charges as established by the township board from time to time. Any changes of such charges shall be established pursuant to resolution of the board.

(Ord. of 6-20-1995, § 3:28)

Sec. 34-157. - Enforcement.

- (a) The charges for services which are under the provisions of section 21, Public Act No. 94 of 1933 (MCL 141.121), shall be made a lien on all premises served thereby, unless notice is given that a tenant is responsible, and whenever any such charge against any piece of property shall be delinquent for six months or more, the Township shall certify to the tax assessing officer of the township the facts of such delinquency, where upon such charge shall be by him 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 township 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 service, no further service shall be rendered such premises until a cash deposit in an amount set by the Township board shall have been made as security for payment of such charges and service. In a case when a tenant is responsible for the payment of the charges and the Township is so notified in writing, the notice shall include a copy of the lease of the affected premises, if there is one, then the charges shall not become a lien against the premises after the date of the notice.
- (b) In addition to the foregoing, the township shall have the right to shut off sewer service to any premises which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment. Further, the reasonable costs to shut off the sewer service may be recovered by the township by court action.

(Ord. of 6-20-1995, § 3:29)

Sec. 34-158. - Free service.

No free service shall be furnished by the sanitary sewer system to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Ord. of 6-20-1995, § 3:30)

Sec. 34-159. - Funds and accounts of the system.

The system shall be operated on the basis of the fiscal year of the township.

(Ord. of 6-20-1995, § 3:31)

Sec. 34-160. - Billing.

Bills will be invoiced regularly on a schedule set by the Township Board and shall be due and payable by the due date set forth on the bill. If a legal holiday falls on a Monday through Friday before the due date, the due date shall be extended by one day for each legal holiday falling on a Monday through Friday before the due date. A late fee of ten percent shall apply to any bills unpaid after the due date. Accounts which remain delinquent for more than 120 days shall be placed on the next tax bill and shall become a lien on the property.

(Ord. of 6-20-1995, § 3:32; [Ord. No. 2015-10, § 1, 10-27-2015](#).)

Sec. 34-161. - Monies.

The township treasurer shall be custodian of all monies of the township belonging to, or associated with, the system and such monies shall be deposited in any state bank duly designated by the township board which is insured by the Federal Deposit Insurance Corporation.

(Ord. of 6-20-1995, § 3:33)

(Ord. of 6-20-1995, § 3:34)

Sec. 34-163. - Investment of funds.

Monies in any fund or account established by the provisions of this division may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.) and Public Act 20 of 1943 (MCL 129.91 et seq.). In the event such investments are made, the security representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Ord. of 6-20-1995, § 3:35)

Sec. 34-164. - Deferment of charges, assessments and fees.

Notwithstanding other provisions of this division, owners of property who by reason of hardship are unable to comply with special assessments for sewer improvements respecting such property and/or fees and charges pursuant to sections 34-153, 34-154 and 34-155, may have payment of such charge or

charges deferred by application therefor to the Township. Provided that pursuant to Public Act No. 148 of 1976 (MCL 41.729a) and section 12756 of Public Act No. 368 of 1978 (MCL 333.12756):

- (1) Each and every legal and equitable interest owner in the property, excepting financial institutions having security interest therein, shall, under oath, complete a hardship application provided by the township and not less than 60 days prior to the due date of said assessment, fees or charges, file the same with the Township together with sufficient evidence of title to the property of the applicant, and all other information and documentation reasonably required by the Township.
- (2) Hardship applications shall be reviewed by the township board which shall determine in each case whether there has been adequate showing of financial hardship. A denial of such application shall be final and conclusive.
- (3) In the event the board makes a finding of hardship, the township shall fix the amount of deferment of partial or total charges so imposed and in so doing shall require an annual filing of financial status by each applicant, provided that upon any material change of the financial status of an applicant, said applicant shall immediately notify the assessor so that a further review of the matter may be made by the township, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
 - a. Change of the applicant's financial status which removes the basis for financial hardship;
 - b. Any conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;
 - c. A death of any of the applicants.
- (4) Upon receiving a determination of the township deferring partial or total charges imposed, the owners of the premises shall, within one month, execute a recordable security interest on the premises to the township as the secured party, payable on or before the death of any of the applicants, or in any event, upon any transfer of the premises. Said security interest shall be in an amount necessary to cover all fees and charges required under this division, the consideration for said security interest being the grants of deferment pursuant to this division.

(Ord. of 6-20-1995, § 3:36)

Sec. 34-165. - Sewer construction site plan.

The construction and installation of all sanitary sewers and appurtenances tributary to the system in connection with any land development requiring site plan approval, pursuant to chapter 36, pertaining to zoning, shall be in accordance with the plans and specifications thereof included in such site plan. As a condition precedent to the issuance of a certificate of use and occupancy of any structure shown in such site plan to be served by the system, the applicant for such site plan shall furnish to the zoning inspector a certificate of a qualified engineer duly licensed by the state certifying that said construction and installation has been completed in accordance with said plans and specifications.

(Ord. of 6-20-1995, § 3:37)

Sec. 34-166. - Permit requirement.

Except as provided in section 34-168, no persons other than Township employees or individuals who have been issued a building sewer permit by the Township shall uncover, make any connection with or opening into, alter or disturb the system.

(Ord. of 6-20-1995, § 3:38)

Sec. 34-167. - Existing systems.

(a) *Alterations.*

- (1) *Generally.* No work shall be performed on existing sewer systems which would change the capacity of the system or would result in nonconformity with these regulations, except by written permission of the Township.
- (2) *Manholes.* When it is necessary to excavate adjacent to manholes or similar structures, the excavation shall extend around the entire perimeter, except by permission of the township engineer.

(b) *Approval of private systems as township systems.*

- (1) Sewer systems not having been previously approved as township sewers may be accepted as township sewers provided they meet all township standards.
- (2) The township engineer shall require such tests on the sewer as he deems necessary. Television inspection of the system may be required. All costs of performing such tests shall be borne by the owner of the facility.

(Ord. of 6-20-1995, § 3:39)

Sec. 34-168. - Township sewer extensions and relocations.

- (a) All public sewer construction performed under the permit for any sewer that is proposed to be accepted as part of the township system shall be in accordance with the standards and specifications of the Township, and appropriate state requirements.
- (b) Building sewers to serve individual properties shall be installed to the property or right-of-way line in all existing and proposed township streets and right-of-way, preferably during public sewer construction, but in all cases before street pavement is placed. Material, joints, workmanship, inspection and testing shall be equal to those of the public sewer. Individual building sewer records for each property, on Township standard forms, shall be furnished within 30 days to the Township following testing and workmanship acceptance by the township engineer. The record shall show size, measurement from the public sewer to the sealed end measurement to three easily identified fixed points from the sealed end and a wooden marker locating building sewer (branch connection). Building sewers are normally four inches or six inches, preferably with a slope of two percent. Whenever building sewers installed to the property line are not required for future needs, tees and service connections (risers) for deep sewers to within eight feet of finished grade shall be installed at what are presumed to be convenient intervals. The building sewer shall be constructed of vitrified clay or PVC plastic sewer pipe unless approved otherwise by the township engineer.
- (c) It is understood and agreed that the rights granted to locate any sewer, public or private, not to be accepted by the township as part of the township sewer system in any township right-of-way or a public easement after the effective date of the ordinance from which this division is derived, are revocable at the will of the township board subject to the conditions of various applicable contracts, and the owner will expressly waive any right to claim damages or compensation in case the permit is revoked.
- (d) Provisions shall be made to maintain services during the relocation of facilities.
- (e) All construction in the township performed under permit shall be inspected by the Township to ensure the installation's conformity to the approved plans and specifications.
- (f) Bonds and fees. The applicant for a permit for extension of the public sewer system shall furnish the appropriate security and fees in the form of a cash deposit, letter of credit, or a bond as required and set by resolution of the Township Board, as amended from time to time.

- (g) Insurance. The worker's compensation insurance, public liability insurance in the amounts specified in the township's construction and engineering standards carried by the applicant with the township named as an additional insured.

(Ord. of 6-20-1995, § 3:40)

Sec. 34-169. - Residential equivalent factors (REUs).

The residential equivalent factors shall be as follows:

Water Meter Size (inches)	Equivalent Factor
½ or ¾	1
1	1.0
1 ½	5
2	8
3	16
4	25
6	50
8	80

AWWA REUs schedule

Note 1: Each individual building will pay a connection fee based upon a minimum of one REU.

Note 2: Residential equivalent factors developed on speculative buildings via this section are a base unit. The initial occupancy of a speculative facility will be cause for recalculation and any increase in REU factors will be cause for payment for any increase in connection fee as a result of the recalculation.

(Ord. of 6-20-1995, app. A; Ord. No. 97-2, 6-17-1997; Ord. No. 99-1, 3-16-1999)

Secs. 34-170—34-191. - Reserved.

DIVISION 3. - COMMUNITY WASTEWATER UTILITY SYSTEMS

Sec. 34-192. - Intent and purpose.

- (a) The majority of the land area of the township relies on individual on-site wastewater disposal systems. Although the township provides public wastewater disposal within designated sewer service areas, it is unlikely that the land area served by the public sewer system will be expanded in any significant manner, if at all, in the foreseeable future.

- (b) Pursuant to the Michigan natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.), the state department of environmental quality (MDEQ) is authorized to issue permits for on-site sewage disposal systems that service more than one property (referred to herein as a community wastewater utility system). The township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the township and the residents in some limited circumstances. However, the township requires assurance that any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the township and its residents. Furthermore, the township requires that it shall be indemnified by the owner and operator of the community wastewater utility system from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system. The township also recognizes if a community wastewater utility system fails or does not properly function or if the owner or operator of the community wastewater utility system fails or is unable to continue to operate the system, public sewer may not be available due to the location of a development in proximity to designated sewer system areas. In certain circumstances, the township may be required to take over the operation of the community wastewater utility system in order to protect the health, welfare and safety of residents of the township. To this effect, this division is intended to regulate community wastewater utility systems to provide those assurances.
- (c) This division is enacted under the authority of the township's general police powers to protect the health, safety, and welfare of its residents and under the authority of the Michigan natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).

(Ord. No. 2006-01, § I(1.1), 4-25-2006)

Sec. 34-193. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act 451 means the Michigan natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).

Applicable sewer laws means all applicable laws, regulations and standards of and permits issued by the state department of environmental quality (MDEQ), the state department of public health (MDPH), the county health department (WCHD), the state public service commission and any other applicable laws and regulations of the federal government, the state, the county, and the township which relate or apply to the operation of public or private sewer systems.

Applicant means a person or entity having an ownership or other contractual interest in land who proposes to construct a community wastewater utility system on the land. The applicant may also be the CWUS owner.

Association, for a condominium development, shall have the same definition as "association of co-owners" as provided in the Michigan condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), meaning the person designated in the condominium documents to administer the condominium project. For a subdivision or other development, it shall mean an association of homeowners or property owners organized as a nonprofit corporation or organized pursuant to deed restrictions and/or restrictive covenants in a particular development who are authorized to govern the affairs of that subdivision or other development. An association may also be the CWUS owner.

Community wastewater utility system or system or CWUS means a facility which is owned by a nongovernmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers and appurtenances that serve more than one dwelling unit or structure.

CWUS operator means a legal entity of perpetual duration that is responsible for the day-to-day operation and maintenance of the CWUS and insuring compliance with all permits and applicable laws and regulations.

CWUS owner means a legal entity of perpetual duration that owns the facilities and assets of the CWUS. The CWUS owner may also be the CWUS operator if it meets all of the requirements of a CWUS operator.

CWUS permit means the permit issued by the township pursuant to this division.

Development shall include:

- (1) A subdivision as defined by the Michigan land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.);
- (2) A condominium pursuant to the provisions of the Michigan condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.); or
- (3) Any group of dwellings or structures which are proposed to be serviced by a community wastewater utility system.

Development agreement means the agreement described in section 34-197(c)(3).

Development documents means:

- (1) For a condominium project, the master deed and bylaws provided by the Michigan condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.);
- (2) With regard to subdivisions or other developments, deed restrictions, subdivision plats, development agreements and/or restrictive covenants, including deed restrictions required by this division; and
- (3) The articles of incorporation and bylaws of the association.

Expansion shall mean any activity whereby additional dwelling units, structures or users shall be added to or an alteration is made of an existing system.

MDEQ means the state department of environmental quality, or its successors.

Public sanitary sewer system means a publicly owned sanitary sewer system.

Residential owner shall mean the owner of a fee simple interest, a land contract purchaser, or owner of a unit in a condominium, of property which is serviced or is proposed to be serviced by a community wastewater utility system.

Township means Scio Township, Washtenaw County, Michigan, acting through its duly elected township board.

(Ord. No. 2006-01, § II(2.1), 4-25-2006)

Sec. 34-194. - Regulations.

- (a) Except as provided in this division, it shall be unlawful to construct, install, or operate a community wastewater utility system within the township.
- (b) Community wastewater utility systems shall require a conditional use permit from the township board in accordance with the procedures and standards set forth in chapter 36, article VII and section 36-318.
- (c) Pursuant to the terms of section 34-199, the township board shall review and approve or deny the CWUS permit application pursuant to this division and shall authorize the issuance of a CWUS permit only after a conditional use permit has been approved pursuant to chapter 36, pertaining to zoning, and the board determines that the applicant has met all the standards requirements and regulations contained in this division.

(Ord. No. 2006-01, § III(3.1), 4-25-2006)

Sec. 34-195. - Qualifications for a CWUS owner.

The CWUS owner shall be the association, the applicant or other entity of perpetual duration approved by the township with the capacity to own and operate the CWUS (or to contract with a CWUS operator for operation of the CWUS) for the benefit of the association and the residential owners and who meets the requirements of section 34-198(b). The CWUS owner shall have the capacity to and shall perform all obligations of the CWUS owner under the CWUS permit, all necessary approvals or permits issued by any other entity having jurisdiction pursuant to the applicable sewer laws, including but not limited to MDEQ approval under Act 451, the development agreement, the agreement with the CWUS operator, and the development documents.

(Ord. No. 2006-01, § III(3.2), 4-25-2006)

Sec. 34-196. - Qualifications for a CWUS operator.

The CWUS operator shall employ one or more individuals who have all qualifications and certifications required under applicable sewer laws to operate the CWUS.

(Ord. No. 2006-01, § III(3.3), 4-25-2006)

Sec. 34-197. - Requirements for approval.

- (a) The design, construction, and operation of the proposed community wastewater utility system shall comply with the terms of this division and the applicable sewer laws.
- (b) No new community wastewater utility system or an expansion of an existing system shall be constructed, installed, or operated within the township unless the plans for the construction, installation and operation of the system have been approved by the township, and all other governmental authorities having jurisdiction over the construction and maintenance of community wastewater utility systems, including but not limited to the county, the state department of public health, the MDEQ and the state public service commission.
- (c) The applicant shall provide the following to the township before approval for a community wastewater utility system may be granted:
 - (1) A certification from an engineer on behalf of the CWUS owner stating that the system as designed and constructed will adequately process wastewater as required by all applicable sewer laws. The township engineer shall review and make a recommendation regarding the adequacy of such certification.
 - (2) An executed CWUS operating agreement between the applicant, CWUS owner, the CWUS operator and/or association containing provisions for: inspection, operation, maintenance, repair, and replacement of the system; the imposition and collection of charges for connection to, and use, operation, maintenance, repair, and replacement of the system; compliance with all applicable sewer laws and agreements regarding the CWUS; and establishment, maintenance and capital expenses. The CWUS operating agreement must include a provision that the agreement may not be terminated so long as the system is serving the development, except that the CWUS operating agreement may be assigned to another CWUS operator in accordance with the applicable sewer laws and upon prior written approval of the township. The CWUS operating agreement shall provide that it may not be terminated, amended, renewed or substituted without township written approval. The township attorney and township engineer shall review and make a recommendation regarding the adequacy of such an agreement or any

amendment thereto. A proposed CWUS operating agreement must be submitted with the application for the CWUS permit.

- (3) An executed development agreement between the applicant, CWUS owner, the association, and the township in a form acceptable to the township. The development agreement shall:
- a. Provide that the applicant, CWUS owner, and/or association are jointly and severally responsible for the operation, inspection, monitoring, maintenance, repair, retention and replacement of the system and retaining a CWUS operator.
 - b. Specify standards for inspection, monitoring, operation, maintenance, repair and/or replacement of the system in accordance with the applicable sewer laws and the guidelines recommended by the system manufacturer and the CWUS operator. The applicant will provide the proposed standards to the township for review and approval and such standards shall be included in the development documents.
 - c. Require indemnification of the township, including a duty to defend, by the applicant, CWUS owner, and association, jointly and severally, from any and all costs, expenses and liability incurred by the township with respect to the community wastewater treatment utility system, including but not limited to the operation, maintenance, repair and replacement of all or a part of the system.
 - d. Require that the applicant, CWUS owner, CWUS operator and association shall provide a policy of casualty insurance for the replacement value of the insurable components of the system and comprehensive general liability insurance with limits acceptable to the township, naming the township as an additional insured, and shall provide the township with a copy of the policy each year. All insurance policies shall be issued by an insurer registered/licensed to issue insurance in the state and with an A.M. Best Rating acceptable to the township. No policy of such insurance shall be cancelled or permitted to lapse without 30 days' advance written notice to the township and without securing similar coverage.
 - e. Unless waived by the township, a statement acknowledging that the applicant, owner and or association shall provide a policy of liability insurance for sudden and accidental environmental contamination with limits of a minimum of \$5,000,000.00, naming the township as an additional insured and providing coverage for claims discovered within three years after the term of the policy at a minimum. The township shall be provided with a copy of this policy each year.
 - f. Grant the township authority, at its sole discretion, to require that the community sewer system be abandoned and all properties in the development be connected at the expense of the association and residential owners to any publicly owned community sewer system which may be constructed in the future and available to the development.
 - g. Grant the township the right to purchase for the sum of \$1.00 marketable title to any lands required to be titled in the name of the township by governmental or regulatory requirements, or easements reasonably deemed by the township to be necessary in conjunction with the township's assumption of responsibility for the community wastewater utility system or future publicly owned community sewer system.
 - h. Provide that the township in its sole discretion may remove all trees, shrubs, brush, vegetation or other similar impediments that may interfere with the operation of the community wastewater utility system.
 - i. Consent to the creation of a special assessment district to be established as described in subsection (i) of this section.
 - j. Grant the township the right, but not the obligation, to take over ownership and operation of the CWUS in the event that the CWUS owner becomes insolvent or goes into bankruptcy or receivership, fails to maintain the required operating, maintenance and capital reserves required by this division within six months after written notice from the township that the

reserves do not meet division requirements, is unable, unwilling or fails for any reason to operate the CWUS in full compliance with applicable sewer laws where failure to meet such requirements in six successive months or in more than eight months in a 12-month period shall be conclusively determined to be an inability to comply with applicable sewer laws. In the event that the township assumes ownership of the CWUS, the township shall hold and operate the CWUS for the benefit of the association and residential owners. The township may transfer the facilities, assets and reserves of the CWUS to a new CWUS owner on the condition that such facilities, assets or reserves be used solely for providing sewer services to the residential owners.

- k. Grant the township the right to inspect any part of the community wastewater utility system for compliance with the development agreement and all applicable sewer laws, consenting to personal jurisdiction and venue in the county or U.S. District Court for the eastern district of the state agreeing that money damages cannot make the township whole for damages arising out of the breach of the development agreement, and agreeing to injunctive remedies in any action brought by the township to enforce the development agreement or enforce compliance with applicable sewer laws.
- (4) The provisions of the development agreement referenced in subsection (c)(3) of this section and other obligations of the association and residential owners shall be included in a separate document, in form approved by the township attorney, and included within the development documents that shall run with the land, including but not limited to the condominium disclosure documents for a condominium project, and in a separate recordable document for all forms of development, and be delivered to the prospective purchaser prior to the execution of a purchase agreement for property proposed to be serviced by a community wastewater utility system.
- (5) A permanent and irrevocable easement, in recordable form, shall be granted by the owner and/or association to the township and its employees, agents, and assigns authorizing them to enter on the development and the property upon which the system is located for the purpose of inspections. The property on which the system is located shall be maintained so it is accessible at all times, prohibiting any structures or landscaping within such area that would unreasonably interfere with such access.
- (6) Each community wastewater utility system shall be a general common element of a condominium in which it is located, or part of common areas of any other development. The system shall be inspected, monitored, operated, maintained, repaired and replaced by the CWUS owner or association with the right of the CWUS owner or association to assess the residential owners for all such costs.
- (7) Each CWUS owner shall maintain a reserve sufficient for five years of monitoring, inspection, operation, maintenance and repair of the system and an adequate replacement reserve in the amounts certified by a design engineer or the CWUS operator and required by the applicable governmental entities and shall be subject to township review and approval. The CWUS operator and the association shall provide the township with evidence of the reserves annually.
- (8) A copy of the articles of incorporation and bylaws of the association and a copy of the form of the restrictive covenant, deed restrictions, or master deed imposing upon residential owners the obligation to pay for all capital and operating costs and reserves associated with the community wastewater utility system.
- (9) Evidence satisfactory to the township board that the CWUS operator employs one or more individuals who have all qualifications and certifications required under applicable sewer laws to operate the system.
- (10) Evidence satisfactory to the township that the CWUS owner has the qualifications to own the CWUS.

- (d) No building permit shall be used for any structure or dwelling unit proposed to be serviced by a community wastewater utility system until the township board has approved such system in accordance with terms and provision of this division.
- (e) The township shall inspect the system during construction and after construction is completed by an independent engineer or consultant to ensure proper construction and installation of the system. Annually, the township may inspect the system to ensure compliance with this division. The applicant or CWUS owner shall reimburse the township for the expense of such engineer or consultant. The township shall not issue a permit until the township has certified that the CWUS has been constructed according to the approved plans and specifications.
- (f) Anything in this division to the contrary notwithstanding, the township shall not be responsible or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the system or any portion thereof.
- (g) The CWUS owner, CWUS operator and/or association shall furnish periodic operating and maintenance reports in accordance with the maintenance requirements and schedule. Any such requirements shall be made a part of the development documents.
- (h) After the township's approval, the development documents and the development agreement shall be recorded at the office of the county register of deeds prior the first sale of any unit, lot or parcel served by a community wastewater utility system. After approval by the township the development documents, as they pertain to the system, shall not be amended without township approval. The development documents shall contain language to that effect.
- (i) Prior to recording the development documents and sale of any unit, lot or parcel served by a community wastewater utility system, The applicant shall circulate or initiate a petition for the township to establish a special assessment district for the development, the purpose of which shall be to provide for assessment of the units, lots or parcels in each development by the township for the costs of construction, improvement and maintenance, of the community wastewater utility system or any other purposes authorized by law in the event the association shall fail to properly perform such work or in the event the township takes control of the community wastewater utility system. If the applicant or CWUS owner petitions for a district under the Michigan township public improvement act, Public Act 188 of 1954, the record owners as defined by Act 188 of property benefited by the community wastewater utility system shall execute a petition legally sufficient for the establishment of a special assessment district, using petition forms acceptable to the township, in order to allow for financing the construction, improvement, and maintenance of the community wastewater utility system. If the applicant determines to proceed to create a special assessment district under a different statute than Act 188 such as the drain code, the applicant shall circulate or initiate a petition meeting the standards of that statute.
- (j) The association, CWUS owner, residential owners and the applicant shall be jointly and severally responsible for all costs involved in the installation, operation, maintenance, repair, replacement of equipment and facilities and liability associated with the system. The township may, at its option, elect to collect all costs, including legal fees it may incur in connection with the system pursuant to the other provisions of this division, or by direct court action against the association, CWUS owner and residential owners, and applicant.

(Ord. No. 2006-01, § III(3.4), 4-25-2006)

Sec. 34-198. - Transfer of ownership.

- (a) The CWUS owner shall not transfer, convey or assign any facilities or assets of the community wastewater utility system required for the ongoing operation of the community wastewater utility system in compliance with this division and applicable sewer laws, except as provided in this section.
- (b) The CWUS owner shall not transfer, convey or assign the facilities and assets of the community wastewater utility system without:

- (1) Approval of the township board;
 - (2) A demonstration that the entity seeking to become the new CWUS owner meets all requirements of a CWUS owner under this division and can fulfill all duties and obligations of a CWUS owner under the CWUS permit, all necessary approvals or permits issued by any other entity having jurisdiction pursuant to the applicable sewer laws, including but not limited to MDEQ approval under Act 451 the development agreement, the development documents, and the agreement with the CWUS operator;
 - (3) Demonstration that the new CWUS owner has established or has the right to receive a transfer of all required operating, maintenance and capital reserves; and
 - (4) Agreement by the new CWUS owner to undertake all obligations imposed on a CWUS owner under this division, the agreement with the CWUS operator, the development agreement and the development documents.
- (c) Transfer of ownership of the community wastewater utility system by a CWUS owner shall not relieve such owner from civil or criminal liabilities arising under this division or any applicable sewer laws nor from the obligation to comply with any court-ordered injunctive relief related to obtaining or enforcing compliance with this division or applicable sewer laws that accrue or arise prior to the date of township board approval of the transfer.

(Ord. No. 2006-01, § III(3.5), 4-25-2006)

Sec. 34-199. - Permit to operate.

- (a) No community wastewater utility system may be constructed, installed or operated within the township without a CWUS permit.
- (b) Township board approval of the community wastewater utility system pursuant to this division and chapter 36, pertaining to zoning, shall serve as the permit to construct and install the community wastewater utility system, which permit shall not become effective until the community wastewater utility system has received all necessary approvals by any other entity having jurisdiction pursuant to the applicable sewer laws, including but not limited to MDEQ approval under Act 451. The township board approval of the community wastewater utility system pursuant to this division and chapter 36, pertaining to zoning, shall also serve as the CWUS permit, which CWUS permit shall not become effective until the community wastewater utility system has received all necessary approvals by any other entity having jurisdiction pursuant to the applicable sewer laws, including but not limited to MDEQ approval under Act 451.
- (c) The CWUS owner shall annually submit the following information to the township:
 - (1) The name of the CWUS operator and a copy of the current contract between the CWUS owner and CWUS operator, and current copies of all required certifications for individuals operating the community wastewater utility system.
 - (2) Proof that the CWUS owner and CWUS operator meet the insurance and other requirements under this division.
 - (3) A certification with supporting documentation from a financial institution that the required operating, maintenance and capital reserves are maintained.
 - (4) The operating budget for the community wastewater utility system together with a schedule of all user fees and charges.
 - (5) A certification from a licensed professional engineer with expertise in wastewater systems that:
 - a. Sets forth the maintenance, repair and replacement needs or recommendations for the community wastewater utility system for the 12-month period coinciding with the upcoming permit year together with an estimate of likely associated expenses; and

- b. States without exception or reservation that the condition of the community wastewater utility system, together with operating budget and the satisfaction of the maintenance, repair and replacements needs, is such that the community wastewater utility system is capable of meeting all discharge limitations and other requirements related to unacceptable direct environmental impacts (e.g., noise, odor, and airborne emissions) during the permit year.
- (6) Copies of all approvals and permits required by the applicable sewer laws.
- (d) The CWUS owner shall notify the township of any and all violations of the applicable sewer laws, including but not limited to all MDEQ permit requirements.
- (e) The township may attach reasonable conditions to the CWUS permit to ensure compliance with the provisions of this division.
- (f) The CWUS permit shall be deemed rescinded and canceled without further action of the township in the event that the any necessary approvals or permits issued by any other entity having jurisdiction pursuant to the applicable sewer laws, including but not limited to MDEQ approval under Act 451, lapses, expires without renewal, is revoked by the entity having jurisdiction or otherwise ceases to be in effect.

(Ord. No. 2006-01, § III(3.6), 4-25-2006)

Sec. 34-200. - Fees.

Applications for community wastewater utility systems approval under this division shall be accompanied by a nonrefundable administrative application fee in an amount specified from time to time by resolution of the township board. In addition, an applicant shall pay an additional escrow fee in an amount determined by resolution of the township board for the estimated cost of outside consultants who may be retained by the township in connection with the review of the application. In the event the cost of the services of the consultants is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultants exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the township prior to the issuance of a permit. A denial of an application for a permit shall not affect the applicant's obligation to pay the escrow fee provided for in this section.

(Ord. No. 2006-01, § IV(4.1), 4-25-2006)

Sec. 34-201. - Penalties and enforcement.

- (a) *Enforcement.* The enforcement officer or his agent, officer or employee shall have authority under this division to enter upon privately owned land for the purpose of performing the township's duties under this division and may take or cause to be made such examinations, surveys or samplings as are deemed necessary.
- (b) *Civil remedies.* The provisions of this division shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction.
 - (1) *Injunction.* Any activity conducted in violation of this section is declared to be a nuisance per se, and the township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the property as nearly as possible to its condition before the violation.
 - (2) *Stop work order.* The township may also issue a stop work order or withhold issuance of a permits or inspection until the provisions of this division, including any conditions attached to a permit, have been fully met. Failure to obey a stop work order shall constitute a violation of this division.

- (c) *Criminal remedies.* In addition to the rights and remedies herein provided to the township, any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor.

(Ord. No. 2006-01, § IV(4.2), 4-25-2006)

Sec. 34-202. - Conflict.

Nothing in this division shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this division shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this division shall be construed, if possible, to be consistent with relevant state regulations and statutes.

(Ord. No. 2006-01, § V, 4-25-2006)

SECTION 2. INCONSISTENCIES REPEALED.

All other ordinances or parts of ordinances or resolutions of the Board of Trustees in conflict herewith are hereby repealed.

SECTION 3. SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. AVAILABILITY

The Code, including Chapter 34 and the official Township zoning map are available for inspection in the Township Hall, 827 N. Zeeb Rd., Ann Arbor, MI during regular business hours.

SECTION 5. EFFECTIVE DATE.

The provisions of this Ordinance are hereby ordered to take effect seven (7) days following its publication in a newspaper of general circulation within the Township of Scio.

This Ordinance is hereby declared to be adopted by the Board of Trustees of the Township of Scio in a meeting duly called and held on the 27 day of July 2021.

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**



Jessica M. Flintoft, Township Clerk

ADOPTED: July 27, 2021
PUBLISHED: September 1, 2021
EFFECTIVE: September 8, 2021

CERTIFICATION

I, Jessica M Flintoft, Clerk of the Township of Scio, County of Washtenaw, Michigan, do hereby certify that the foregoing is a true and complete copy of Township Ordinance number 2021-06, an amendment to Code of Ordinances of the Township of Scio, and was adopted by the Scio Township Board of Trustees on the 27 day July 2021, and given publication in the Sun Times and Washtenaw Legal News, newspapers of general circulation. The following members of the Scio Township Board of Trustees voted as follows in connection with this motion to adopt the above amendatory ordinance.

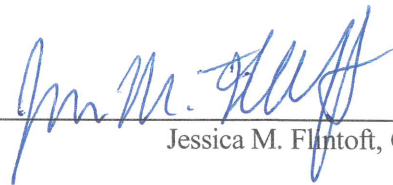
YES: Hathaway, Palmer, Flintoft, Jerome, Knol, Vogel.

NO: None.

ABSENT: Courteau.

MOTION PASSED 6-0.

In witness hereof, I have hereunto affixed my official seal this 23 August 2021.



Jessica M. Flintoft, Clerk