

Chapter 58 UTILITIES*

***Cross references:** Administration, ch. 2; buildings and building regulations, ch. 10; fire prevention and protection, ch. 34; subdivisions, ch. 50.

State law references: Authority to provide for water and sewer systems, MCL 41.411.

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ARTICLE I. IN GENERAL

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ARTICLE II. WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 58-26. Continuation of water department.

The township does hereby continue a water department to operate and control the water system in the township, which shall be under the jurisdiction and control of the township board. The construction, alteration, repair and management of the system shall be under the supervision and control of the township board. The township board may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the

water system, subject to the approval of the township board. The township board may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient management and operation of the water system.

(Ord. No. 153, art. II, 11-27-89)

Sec. 58-27. 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:

Debt service charge means a charge to the township at the time a customer is connected to the township water supply system and a meter is installed.

Deferred main means a trunk water main constructed and installed by the township for which the abutting property owners have not paid or have not been assessed their proportionate share of construction costs on a front foot basis.

Service tap means a water transmission line from the township trunk main to a point within the right-of-way seven feet from the adjoining property line.

Water meter means any meter, device, or component or connecting part that is used or installed in the water distribution of the township and used or capable of being used for the measuring of the amount of water being distributed or to be distributed to one or more customers.

(Ord. No. 153, art. III, 11-27-89)

Cross references: Definitions generally, § 1-2.

Sec. 58-28. Penalty for violation of article.

Any person who violates this article shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 153, art. XXII, 11-27-89; Ord. No. 2000-03, 8-28-2000)

Sec. 58-29. Operating year.

The water supply system and department shall operate on a basis of an operating year commencing January 1 and ending December 31, next following.

(Ord. No. 153, art. XXI, 11-27-89)

Secs. 58-30--58-40. Reserved.

DIVISION 2. WATER USE

Sec. 58-41. Oversizing of transmission (trunk) lines; payment of cost difference.

If oversizing of transmission lines is required, the township will pay the difference for the cost of pipe and fittings only at the time of construction, as follows:

- (1) In excess of eight-inch lines in FP, AG, RR, LDR and LMR low residential districts.
- (2) In excess of 12-inch lines in MDR, MHR, HDR, and MHP high residential districts or group housing.
- (3) In excess of 12-inch lines in commercial and industrial districts.

(Ord. No. 153, art. XIII, 11-27-89)

Sec. 58-42. Unmetered.

(a) *Use of hydrants.* Use of hydrants shall be regulated as follows:

- (1) *Permit required.* No township water (fire) hydrant shall be opened, and no water shall be withdrawn from any township water (fire) hydrant. No water shall be used by any person except in case of emergency or for the use of fighting fires by authorized government agencies, without a written permit obtained by the township water department, which shall be in possession of the person using the hydrant.
- (2) *Metering required.* No water shall be withdrawn from a township water supply system, or from any installed service, or from any permitted tap, unless the use of such water is metered by the township, or unless a permit for such use is granted by the Georgetown Charter Township Water Department, which permit shall be in the possession of the person using the water.

(b) *Issuance of permits.* Permits shall be issued by the township water department for the use of water (fire) hydrants, or for taps or outlets from water mains, to qualified persons for the legitimate use of water, so long as the use does not interfere with the availability or the water pressure for all anticipated emergency needs, or for regular services under the following circumstances:

- (1) Application shall be made in writing for the use of a water hydrant for a one-day permit from a hydrant at a specific location.
- (2) Application shall be completed for as many days use as may be required for the permit, and the permit shall be issued specifying each day that water may be withdrawn from one specific hydrant, or from a specific tap or outlet.

(c) *Cost of permits.* The township board shall from time to time by resolution, adopt a schedule of costs for permits issued under this article, which schedule shall be available at the township office. The following permits may be issued:

- (1) Permits to fill a swimming pool from a hydrant.
- (2) Permits to fill water tanks on trucks or other vehicles from a hydrant.
- (3) Permits to use hydrant water or main taps to test or clean newly constructed and/or newly repaired water mains.
- (4) Permits to use water from main or service line for, and during, residential and/or

commercial construction.

(d) *Limited permits.* Limited permits may be issued under the following circumstances:

- (1) No permits shall be issued to any person unless the application shows that the applicant has, in the opinion of the township water department, the necessary knowledge, ability, and tools available to him to correctly use the hydrant and/or water mains and/or water system of the township so as to eliminate any damage to the system.
- (2) All applicants shall agree to use the correct procedures in obtaining water from the system and shall be responsible for any damage to any water hydrant or water main or any unusual loss of water caused by the negligence or unreasonable use of the water system.
- (3) Continued misuse of the system by any person shall be adequate reason for the denial of any additional permits, and shall grant the township the right to revoke any permits presently outstanding.

(Ord. No. 153, art. XIV, 11-27-89)

Sec. 58-43. Installation and care of water meters.

- (a) *Responsibility for damage.* The owner or occupant, lessee or purchaser of the premises or any parcel of land where any water meter is located shall be responsible for the protection of the water meter from alteration, disconnection, damage or destruction. All costs incurred by the township for repairs or replacements of any meter because of such damage or destruction shall be charged to the customer being served by the meter.
- (b) *Charges for water supply.* If any water meter is damaged, altered, or destroyed, or rendered incapable of correctly measuring water distributed to a customer, the township water department engineer shall estimate the length of time that the water meter did not function properly, and estimate the amount of water used by the customer during such period, and charge the customer for the estimated amount of water used and distributed at the rate then being charged by the township for use and distribution for water and services, plus a penalty equal to 25 percent of the charge.
- (c) *Charges for damages.* Any charge for damages, services, or penalties levied or assessed under this article shall constitute an assessment for the use of water as distributed by the township, shall constitute a lien on the premises or parcel where such water is supplied, shall be effective immediately on the charge or billing being made, and shall not be enforceable for more than three years thereafter, at which time, however, it may be enforced in any manner as prescribed by the township, or by the general laws of the state provided for the enforcement of tax liens.
- (d) *Restriction against damaging meter.* No person shall install, connect, disconnect, dismantle, adjust, destroy or tamper with any water meter located in the township, unless duly authorized by the township water department.

(Ord. No. 153, art. XV, 11-27-89)

Sec. 58-44. Cross connections.

- (a) *Adoption of rules.* The township does hereby adopt by reference the Water Supply Cross Connection Rules of the state department of public health, being R325.11401 to R325.11407 of the Michigan Administrative Code.
- (b) *Inspections generally.* It shall be the duty of the township water department to cause inspections to be made of all properties served by the public water supply. The frequency of inspections and reinspections, based on potential health hazards involved, shall be as established by the township board and as approved by the state department of public health.
- (c) *Inspection of water services.* The representative of the township water department 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 systems of such property for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- (d) *Discontinuance of water services.* The township water department 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) *Contamination and labeling.* 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 and township plumbing 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 as: "WATER UNSAFE FOR DRINKING."
- (f) *Conflicting ordinances.* This article does not supersede the state plumbing code and the township plumbing Ordinance No. 107 but is supplementary to them.

(Ord. No. 153, art. XVIII, 11-27-89)

Sec. 58-45. Limiting of use.

- (a) *Declaration of water emergencies.* Water emergencies may be declared upon the following circumstances:
 - (1) On notice of the City of Wyoming, Kent County, Michigan, city manager that it is necessary, in order to maintain adequate water storage for fire protection and to ensure ample water for essential needs to conserve the use of water; or
 - (2) On a determination of the township superintendent that the township does not have an adequate water supply for fire protection and to ensure ample water for essential needs; and
 - (3) The township superintendent is hereby authorized to declare a water emergency

and to restrain usage of water by township water customers.

- (b) *Plans for limitation.* If a water emergency is declared, the superintendent shall restrict the use of water within the township according to any one (1) of the five (5) following plans:
- (1) *Plan 1, odd-even lawn sprinkling.* Addresses ending in an odd number will be allowed to sprinkle any time on odd-numbered dates. Even-numbered addresses may sprinkle any time on even-numbered dates.
 - (2) *Plan 2, odd-even sprinkling.* Midnight to noon. The plan shall be the same as subsection (1) of this section, except all permitted sprinkling activity must occur between the hours of midnight and noon. All sprinkling, regardless of address, will be prohibited from noon to midnight.
 - (3) *Plan 3, total ban on sprinkling.* A total ban of all sprinkling shall be declared.
 - (4) *Plan 4, total ban on sprinkling and nonessential use of water.* There shall be a total ban on sprinkling and nonessential use of water, such as:
 - a. Noncommercial car washes; and
 - b. Hosing drives and walks.
 - (5) *Plan 5, restrictive ban or use of water.* There shall be a restrictive ban or use of water as required by the City of Wyoming, the township's source of water supply.
- (c) *Notice of water emergency.* The limit of use of water shall take effect immediately on declaration of a water emergency by the superintendent; provided, however, that no penalties shall be imposed for violations occurring within the first twenty-four (24) hours after notification of such water emergency and water use ban by radio and/or television announcement.
- (d) *Length of water emergency.* The water emergency declared by the superintendent shall be effective for a period not in excess of twenty (20) days unless the water emergency is extended by resolution of the township board.

(Ord. No. 153, art. XIX, 11-27-89; Ord. No. 2009-03, 4-13-09)

Secs. 58-46--58-55. Reserved.

DIVISION 3. FEES AND CHARGES*

***Cross references:** Water charges, app. B.

Sec. 58-56. Charges for water distribution.

- (a) All rates and charges for distribution of water shall be determined by resolution of the township board from time to time.
- (b) There shall be an annual debt charge in an amount as set by the township board from

time to time to each customer, being those persons or corporations having one water meter, which shall be billed quarterly as part of the charges for water services.

(Ord. No. 153, art. IV, 11-27-89)

Sec. 58-57. Connection charges.

At the time of connection of a customer to the township water system, the customer shall pay the following charges:

- (1) *Service tap connection charge.* The township shall take bids or negotiate for installation for service taps from outside contractors at least annually, and the charges to the customers for such water service taps shall be equal to the cost to the township, plus an amount not to exceed ten percent.
- (2) *Inspection fee.* The township shall charge an inspection fee for all service connections on private property.
- (3) *Costs of meter components.* The township shall charge the customer for the cost of the meter, angle valve, meter hold, and outside remote reader, plus an amount not to exceed ten percent of such costs.

(Ord. No. 153, art. V, 11-27-89)

Sec. 58-58. Debt service charge.

There shall be a debt service charge against each customer, being any person who has been supplied one water meter, of the water supply system of the township, and the charge shall be established by resolution by the township board from time to time, which shall be paid at the time of hookup to the water system in the township.

(Ord. No. 153, art. VI, 11-27-89)

Sec. 58-59. Deferred main charge.

In addition to such established costs, charges and fees for water services and water service connections, an additional frontage shall be made at the time of application of any such parcel for water services, on a front foot basis, at a rate per foot as established by resolution by the township board from time to time, against each parcel of property abutting the deferred main constructed or purchased by funds supplied by the township; provided, however, that such deferred charge shall in no event be less than the initial charge in the assessment district in which the lot or parcel is located, and if a property owner applies for water service within 90 days following the date the construction contract is awarded for the deferred main adjacent to the property, the owner may pay the actual costs per front foot of such construction if less than the deferred cost.

(Ord. No. 153, art. VII, 11-27-89)

Sec. 58-60. Water meter charge.

A charge shall be established from time to time by the township board for the water meter, as required by each service connection.

(Ord. No. 153, art. VIII, 11-27-89)

Sec. 58-61. Fire hydrant service charge.

The township shall make an annual charge against all lands within a distance of 1,000 feet from any fire hydrant installed and in operation within the township, at or before September 1 of each year. All charges made pursuant to this article shall be certified by the township board to the superintendent of the township on September 1 of each year, and shall be included on the general property tax rolls for that year against the property which has received the service.

(Ord. No. 153, art. IX, 11-27-89; Ord. No. 2009-03, 4-13-09)

Sec. 58-62. Disposition of revenue.

All collections of revenue made by the township for the water supply system shall be deposited in the sewer and water enterprise fund.

(Ord. No. 153, art. XI, 11-27-89)

Sec. 58-63. Establishment of specific funds for water revenue.

There is hereby established or continued a fund for the operation and maintenance of the township water supply system known as the sewer and water enterprise fund.

(Ord. No. 153, art. X, 11-27-89)

Sec. 58-64. Collection of rates and lien on property.

- (a) *Regulations.* The township shall have as security for the collection of any water rates, or any assessments, charges or rentals due or to become due for the use or consumption of water supplied to any house or other building or any premises, lots, or parcels of land, or any assessments, including assessments levied against property for the installation of water and sewer mains and/or water trunk lines, which assessments or charges may be made at such time as the owner of the property hooks up or attaches to the water main, a lien upon such house or building and upon the premises, lots, or parcels upon which such house or other building shall be situated or to which such water was supplied or improvement installed. Such lien shall become effective immediately upon the assessment of the parcel or lot or the distribution of water to the premises or property supplied, but shall not be enforceable for more than three years thereafter. Assessments or liens effective or levied against any one lot or parcel of real estate shall not be divided, split, or transferred to any lot or any other parcel.
- (b) *Liens.* The lien created in this section may be enforced by the township in a manner prescribed by the township Charter, or by the general laws of the state provided for the enforcement of tax liens.
- (c) *Water services violations.* The township, in addition, may discontinue water service from the premises against which the lien has accrued, whenever any persons shall fail to pay the rates, assessments, charges or rental referred to in this division or may institute suit for the collection of the same in any court of competent jurisdiction, but no attempt to collect such water rates, assessments, charges or rentals by any process shall in any

way invalidate or waive the lien upon the premises.

(Ord. No. 153, art. XVI, 11-27-89)

Sec. 58-65. Appeals.

- (a) *Right; directed to township clerk.* Any customer has the right to appeal the basis for any charges developed in accordance with this article. Appeals shall be directed to the township clerk, in writing, along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the township clerk, shall be obtained by the customer at his expense.
- (b) *Review; determination.* The appeal and supporting documents shall be presented to the township sewer-water committee, who shall review and make a determination within 60 days after receipt by the township clerk. A copy of the determination of the appeal shall be mailed to the customer at his address as shown on the appeal within five days from the date of determination.
- (c) *Dissatisfaction with decision; submission to township board.* If the customer is not satisfied with the determination as made by the committee, such customer shall have the right, by written request to the township clerk, to have his appeal and any additional supporting data as he may request, submitted to the township board for further resolution. On receipt of such request, the township clerk shall resubmit the appeal and supporting data to the township board, and the board shall make a resolution on the matter within 30 days from receipt of the request.
- (d) *Resolution; basis.* All resolutions on the appeal shall be in accordance with the best available data and the information presented in this article. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force by this article.
- (e) *Bills due and payable during appeals process.* All bills for water service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the township may adjust the charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters' billings only.
- (f) *Fees.* Fees for the appeals process shall be established by the township board.

(Ord. No. 153, art. XVII, 11-27-89)

Sec. 58-66. Tax exempt organizations.

Any and all tax exempt organizations, including schools and churches which desire water services, shall, prior to receiving same, pay the same charges as a nonexempt owner would pay under this article. No free water service shall be allowed or provided to anyone within the township.

(Ord. No. 153, art. XX, 11-27-89)

Secs. 58-67--58-70. Reserved.

DIVISION 4. CROSS CONNECTIONS

Sec. 58-71. Short title.

This division may be referred to as the Georgetown Charter Township Cross Connection Ordinance.

(Ord. No. 2002-07, § 1, 7-22-02)

Sec. 58-72. Purpose.

The purpose of this division is to provide for and regulate the public health, safety, and general welfare by regulating and controlling connections to the public water supply in order to prevent entry into the public water supply of water of questionable quality, or water which is contaminated with waste or other contaminants.

(Ord. No. 2002-07, § 2, 7-22-02)

Sec. 58-73. Legal authority.

This division is enacted pursuant to the authority granted by MCL 42.15, 42.5(2), and 41.181.

(Ord. No. 2002-07, § 3, 7-22-02)

Sec. 58-74. Rules applying to text.

The following rules of construction apply to the text of this division:

- (1) The particular shall control the general;
- (2) The headings which title various article and sections are for convenience only and are not to be considered in any construction or interpretation of the division or as enlarging or restricting the terms and provisions of the division in any respect;
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive;
- (4) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the context clearly indicates the contrary;
- (5) The word "person" includes a firm, associations, partnership, joint venture, corporation, limited liability company, trust, municipal or public entity or any other legal entity, or a combination of any of them, as well as a natural person; and
- (6) Any word or phrase not defined in this section 58-74 or in section 58-75 shall be considered to be defined in accordance with its common or standard definition.

(Ord. No. 2002-07, § 4, 7-22-02)

Sec. 58-75. Definitions.

The following listed words and phrases are defined for the purpose of their use in this division. These definitions shall apply in the interpretation and enforcement of this division unless otherwise specifically stated.

Backflow means water of questionable quality, or which is contaminated with wastes or other contaminants, which enters a public water supply system due to a reversal of flow.

Cross connection means a connection or arrangement of piping or appurtenances through which a backflow could occur.

Program means the cross connection control program referred to in section 58-79 of this division.

Secondary water supply means a water supply system maintained in addition to a public water supply including, but not limited to, (i) water systems supplied from ground or surface sources not meeting the requirements of MCL 325.1001 to 325.1023, or the requirements of any similar successor Michigan Statute, or (ii) water from a public water supply which in any way has been treated, processed, or exposed to any possible contaminant or which has been stored in other than an approved storage facility. A private water storage tank supplied from the system shall be deemed a secondary water supply unless it is designated as and is approved by the water utility for potable water storage and usage.

Submerged inlet means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, container, or appliance which may contain water of questionable quality, or water contaminated by waste or other contaminants, and which is not protected against backflow.

System means the Georgetown Charter Township water supply and distribution system.

Water utility means the Georgetown Charter Township Water Department.

(Ord. No. 2002-07, § 5, 7-22-02)

Sec. 58-76. Prohibitions.

The following cross connections are prohibited:

- (1) A cross connection between the system and a secondary water supply.
- (2) A cross connection with a submerged inlet.
- (3) A cross connection between the system and piping immersed in a tank or vessel which may contain a contaminant.
- (4) A cross connection between the system and piping which may contain sanitary waste, a chemical contaminant, or any other type contaminant including, but without limitation, a cross connection between the system and a lawn sprinkler system or a fire sprinkler system.

(Ord. No. 2002-07, § 6, 7-22-02)

Sec. 58-77. Piping identification.

When a secondary water supply is used in addition to the system, exposed public water and secondary water supply piping shall be identified by distinguishing colors or tags and so maintained so that each pipe may be readily traced in its entirety. If piping is installed in a manner so that is impossible to trace in its entirety, the system shall be protected at the service connection in a manner acceptable to the water utility.

(Ord. No. 2002-07, § 7, 7-22-02)

Sec. 58-78. Water outlet labeling.

Any water outlet which could be used for potable or domestic purposes and which is not supplied by the system shall be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(Ord. No. 2002-07, § 8, 7-22-02)

Sec. 58-79. Cross connection program.

The water utility is hereby authorized and directed to prepare a comprehensive cross connection control program for the elimination and prevention of cross connection including, but not limited to, provisions pertaining to the installation, maintenance, testing, reporting, and inspecting of backflow prevention devices, piping labeling, and water outlet labeling. The program shall also provide for discontinuation of water service from the system pursuant to the provisions of section 58-83 of this division. The program shall be administered by the water utility. The provisions of the program, and all amendments thereto, shall be approved by resolution of Georgetown Charter Township Board. The program shall meet with the approval of the Michigan Department of Environmental Quality Drinking Water and Radiologic Protection Division. Any violation of the program shall be deemed a violation of this division.

(Ord. No. 2002-07, § 9, 7-22-02)

Sec. 58-80. Inspection.

The program shall include procedures and arrangements for the water utility, or its authorized inspection agent, to complete cross connection inspections and re-inspections. The frequency of the inspections or re-inspections shall be provided for in the program and shall be based on the potential health hazard which exists.

(Ord. No. 2002-07, § 10, 7-22-02)

Sec. 58-81. Entry, information, and presumption.

The water utility, or its authorized inspection agent, shall have the right to enter at any reasonable time any premises served with a public water supply by a connection to the system for the purpose of cross connection inspections and reinspections. On request, the owner, lessee, or occupant of any property so served shall furnish to the water utility or its authorized inspection agent any pertinent information regarding the water piping system or systems on the property. The refusal of such information or the refusal of access, when requested, shall be deemed to be evidence of the presence of a cross section.

(Ord. No. 2002-07, § 11, 7-22-02)

Sec. 58-82. Protective devices.

A user of the system shall, as is provided in the program, provide an appropriate means to protect against the hazards of each and every cross section on the user's premises.

(Ord. No. 2002-07, § 12, 7-22-02)

Sec. 58-83. Termination of water service.

The water utility is hereby authorized and directed to terminate water service from the system, after following those procedures provided for in the program, to any premises which is in violation of this division or the program. The water utility is also authorized to take such other precautionary measures as the water utility deems necessary to eliminate any danger of contamination of the system. If the water utility determines that there is an actual threat to the public health, through poisoning or through the spread of disease by sewage, industrial fluids or waste, the water service may be terminated immediately as is provided in the program.

(Ord. No. 2002-07, § 13, 7-22-02)

Sec. 58-84. Owner responsibilities.

The owner(s) and occupant(s) of any premises connection the system, at their sole expense, shall have all of the following duties and responsibilities:

- (1) To eliminate all cross sections on the premises;
- (2) To install, maintain, test, or have tested, all backflow prevention devices on the premises.
- (3) To correct any malfunction of a backflow prevention device revealed by testing.
- (4) To inform the water utility in writing of any proposed or modified cross connection and also of any existing cross connection which has been previously disclosed to the water utility in writing.
- (5) To refrain from installing a bypass around any backflow prevention device unless there is a suitable backflow prevention device on the bypass. If it is not possible to shut down operations in order to test a backflow prevention device, additional devices shall be provided as necessary to allow testing the backflow prevention device.

(Ord. No. 2002-07, § 14, 7-22-02)

Sec. 58-85. Backflow prevention device.

All backflow prevention devices shall be approved and installed as is provided in the program. All backflow prevention devices shall be tested as is provided in the program.

(Ord. No. 2002-07, § 15, 7-22-02)

Sec. 58-85.1. Program fees.

The Georgetown Charter Township Board may by resolution establish fees to be charged to customers of the system that are reasonably related to the cost of the services provided to the customer in connection with the administration and enforcement of this division and the program for the elimination and prevention of cross connections.

(Ord. No. 2002-07, § 16, 7-22-02)

Sec. 58-85.2. Penalties.

Civil infraction.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this division, shall be responsible for a municipal civil infraction, and shall be punished by a fine as set forth in the Schedule of Civil Fines (Appendix C), and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

The water utility and the members of any police agency providing police services in the Georgetown Charter Township are hereby designated as authorized officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Georgetown Charter Township Violations Bureau) as provided in Ordinance No. 2000-03 Municipal Civil Infraction Ordinance adopted by the Georgetown Charter Township.

(Ord. No. 2002-07, § 17, 7-22-02)

Sec. 58-85.3. Administrative liability.

No water utility officer, agent, or employee, or any officer, agent, or employee of the Georgetown Charter Township, shall render himself or herself personally liable for any damage that may accrue to any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this division or the program or both.

(Ord. No. 2002-07, § 18, 7-22-02)

ARTICLE III. SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 58-86. 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:

Act means the Federal Water Pollution Control Act and the Clean Water Act which are

used interchangeably in this ordinance and refer to Public Law 92-500, as adopted in 1972 and amended by Public Law 95-217 in 1977, and any succeeding amendments.

Allendale Area System means all sanitary sewer facilities within Sections 31 and 32, Township 7 North, Range 13 West of the township, which are interconnected with the sewage system operated in Allendale Township, Ottawa County, Michigan.

Alternative discharge limit means any limits set by the township in lieu of the promulgated national categorical pretreatment standards, for integrated facilities in accordance with the combined waste-stream formula, as set by the EPA.

Authorized representative of industrial user means:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Average depth means the average depth of a sanitary sewer pipe of the entire construction or installation project or SAD area.

Biochemical oxygen demand (BOD) means the quality 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 means any building or structure or part or portion of a building or structure owned by any person, or specifically divided in such a manner that individual ownership is established for each unit for real estate tax assessment purposes, whether or not it has joint use of one or more sanitary sewer connections.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the sewage discharge inside the walls of a building and conveys it to the building sewer. It shall end five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer, septic tank, or cesspool.

Cesspool means an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

Chemical oxygen demand (COD) means 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 biochemical oxygen demand. It is also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

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. The demand for any given water varies with the amount of chlorine applied, time of

contact and temperature.

Combined sewer means a sewer receiving both surface runoff and sewage.

Combined waste stream means the waste stream at industrial facilities where regulated process effluent is mixed with other wastewaters, either regulated or unregulated, prior to treatment.

Compatible pollutant means a substance amenable to treatment in the wastewater treatment plant, such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the sewage works' NPDES permit, if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

Composite sample means a series of representative samples taken over a specific time period and combined into one sample.

Cooling water means the water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Cost of construction means labor, overhead and machine cost of pipe and wyes, manholes, dewatering, unsuitable material removal and replacement, boring and jacking, connecting to existing system and creek crossing, soil erosion and sedimentation control measures, engineering costs and contingencies. It shall be the average cost of construction or installation per linear foot of the entire construction project or SAD area.

Debt retirement charge means the charge levied to all users for retirement or bonded indebtedness for the system.

Deep sewer means the sewer main installed at a depth which is sufficient so that all potential customers may provide basement or lower level service by gravity.

Developer-owner means an owner who is responsible for the construction or payment for construction of a sanitary sewer.

Director means the director of public works of the township, or his authorized representative.

Dry sanitary sewer system means a sanitary sewer system constructed by a developer or other person at such time as a plat or area in the township is developed with other improvements so as to be available for immediate interconnection with the public sanitary sewer system when such public sanitary sewer system becomes available.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, its administrator or other duly authorized official.

Garbage means solid wastes from the preparation, cooking and disposing of food, and from the handling, storage and sale of produce.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Grease trap means a tank of suitable size and material located in a building drain or building sewer and so designed to remove grease and oily wastes from the sewage.

Grinder pump means an electrical pump installed on a sanitary sewer service line which cuts and chops sanitary sewage and provides a pumping operation so as to allow a pressure sewer service line from the customer to the sanitary sewer main.

Incompatible pollutants means any pollutants which are not compatible pollutants.

Industrial wastes means the wastewater discharge from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes for sanitary conveniences.

Inspector means any person authorized by the director to inspect, observe, measure, sample, test and approve sewage works.

Integrated facilities means industrial facilities which combine process waste streams prior to treatment.

Interference means the inhibition or disruption of the sewage works' processes or operations which contribute to a violation of the sewage works' NPDES permit or reduce the efficiency of the sewage works. The term also includes prevention of sewage sludge use or disposal by the sewage works.

Laboratory determination means the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of the work entitled, "Standard Methods for Examination of Water and Waste Water," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this article.

Lateral means that part of the building sewer as constructed at the time of the construction of the sewer, extending from the sewer to the property line or within the property line for a distance of ten feet; or, if not originally constructed, that part of the building sewer running from the property line to the sewer.

Manager means the director of utilities of the county public utilities system, or his authorized representative.

National categorical pretreatment standards means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

National Pollution Discharge Elimination System (NPDES) permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

National prohibitive discharge standard or *prohibitive discharge standard* means any regulation developed under authority of section 307(b) of the Act and 40 CFR 403.5.

Natural outlet means any outlet onto a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means any source, the construction of which is commenced after the adoption of the ordinance from which this article is derived.

Nonconnecting building sewer means the building sewer connected to the public sewer, but not connected to the building drain, which shall end inside the inner face of the building wall

with all openings properly capped or plugged.

Nuisance means, but is not limited to, any condition where sewage or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream; when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.

O.C.P.U.S. means the Ottawa County Public Utilities System.

O, M & R charge means the charge levied to all users for operation, maintenance and replacement costs associated with the system.

Operation and maintenance (O & M) means all work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works.

Operation and maintenance costs means all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to ensure optimum longterm management of the system. Operation and maintenance costs shall include replacement costs.

Order of determination means a written order of the township establishing the allowable wastewater discharge characteristics or requirements for any given user.

Owner means any person who has an interest in a parcel of property, including fee title holder, land contract purchaser, option holder, any person who has an interest in a partnership which owns property or who has a beneficial interest therein, any person who is a stockholder of a corporation which owns real estate or has a beneficial interest therein.

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

Pollutant means any of the various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

Premises means the land included within the boundaries of a single description as set forth from time to time on the general tax rolls of the township, as a single taxable item in the name of the taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless any existing buildings or structure is so located on more than one lot as to make the same a single description for purposes of assessment or convenience, now or hereafter.

Pretreatment or treatment means the reduction of the amount of pollutants, the alteration of the nature 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 sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment facilities means devices or structures for use in providing pretreatment for individual waste prior to entry in the sewage works.

Pretreatment requirements means any substantive or procedural requirement for treating of a waste prior to inclusion in the sewage works.

Pretreatment standards means national categorical pretreatment standard, alternative discharge limits, or other federal, state, county or local standards, whichever are applicable. Pretreatment standards shall be promulgated by resolution of the township board.

Private sewage works means any sewage works or part of the sewage works not connected to a public sewer and shall include, but not be limited to, septic tanks, cesspools and seepage pits.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in dimension.

Public sewer means a sewer which is owned and controlled by public authority.

Replacement means the replacement, in whole or in part, of any equipment in the wastewater transportation or treatment systems to ensure continuous treatment of wastewater in accordance with the waterworks' NPDES permit and other federal, state, county and local regulations.

Replacement costs means expenditures made during the service life of the system to replace equipment and appurtenances necessary to maintain the intended performance of the system.

Residential equivalent unit shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom, and shall be defined or determined from time to time by the township.

Revenues and net revenues means as defined in section 3, Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq.), as amended.

Rush Creek Area System means all sewer facilities within the township, except in sections 31 and 32, Township 7 North, Range 13 West.

SAD means a special assessment district determined by the township for the installation of sanitary sewers which are to be constructed by the township, the cost of which is assessed to the individual lot or parcel owners.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not admitted.

Seepage pit or dry well means a cistern or underground enclosure constructed of concrete blocks, bricks or similar material, loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed into the surrounding soil.

Septic tank means a watertight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

Service line means that part of the building sewer running from the lateral to the building drain.

Sewage or wastewater means the liquid and water-carried industrial or domestic wastes

from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated.

Sewage disposal facilities means a privy, cesspool, seepage pit, septic tank, subsurface disposal system, or other devices used in the disposal of sewage.

Sewage works means all municipal facilities for the collection, pumping, treating and disposal of sewage.

Sewer means a pipe or conduit for carrying sewage.

Shall is mandatory; *may* is permissive.

Shallow sewer means a sewer main installed at a lesser depth, which depth is sufficient to serve customers only on the condition that grinder pumps are installed on certain service lines between the customer and the main, or installed to serve by gravity from the main floor to the sewer main.

Significant violation means any of the following:

- (1) A violation which remains uncorrected 45 days after notification of noncompliance;
- (2) A violation which is a part of a pattern of noncompliance over a 12-month period;
- (3) A violation which involves a failure to accurately report noncompliance; or
- (4) A violation which results in the exercise of the sewage works' emergency authority under 40 CFR 403.8(f)(2)(vi)(B).

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or, in quantity of flow, exceeds for any period or duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Split sample means an equal division of a representative wastewater sample between two parties for the purpose of separate and independent laboratory analyses by the two parties.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm sewer or storm drain means a sewer which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subsurface disposal field means a facility for the distribution of septic tank overflow or effluent below the ground surface through a line, or a series of branch lines of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

Surcharge means an extra charge to cover the cost of treating extra strength sewage.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

System means all facilities within the township, and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may be hereafter acquired. The system shall be composed of two subsystems hereinafter identified as the Allendale Area System and the Rush Creek Area System.

Toilet device means a privy, outhouse, septic tank or septic toilet, chemical closet, or other device used for the disposal of human waste matter.

Township average cost means an amount determined by the township, from time to time, which approximates the average cost per linear foot of installation of an eight-inch main at a depth of 12 feet.

Township average depth means 12 feet.

Township average pipe size means eight inches.

Toxic pollutant means any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment, including those listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act.

Treatment plant or treatment facilities means any arrangement of devices and structures used for treating sewage.

Trunkage connection fee means the amount charged at the time, and in the amount provided in this article to each premises in the township which must connect to the system. The charge is based upon the proportionate cost allocable to such premises associated with providing sanitary sewers and sewage treatment.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An 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.

Upstream properties means parcels of property which, according to the township engineers and township plans, will provide future sanitary sewage flow into the proposed installation.

User means any person who contributes, causes or permits the contribution of wastewater into the sewage works.

User class means the kind of user connected to sanitary sewers including, but not limited to, commercial, governmental, industrial, institutional and residential.

Commercial user means an establishment involved in a commercial enterprise, business or service which, based on a determination by the township manager, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

Governmental user means any federal, state, county or local government user of the sewage works.

Industrial user means any user who discharges industrial waste.

Institutional user means any establishment involved in a social, charitable, religious, or educational function which, based on a determination by the township manager, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Residential user means a user of the sewage works whose premises or buildings are used primarily as a domicile for one or more persons.

Watercourse means a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion of the state.

(Ord. No. 150, art. I, §§ 101--202, 9-11-89)

Cross references: Definitions generally, § 1-2.

Sec. 58-87. Abbreviations.

The abbreviations, as listed in this section, shall have the following designated meanings:

BOD means biochemical oxygen demand.

CFR means Code of Federal Regulations.

COD means chemical oxygen demand.

EPA means Environmental Protection Agency.

l means liter.

MDNR means Michigan Department of Natural Resources.

mg means milligrams.

mg/l means milligrams per liter.

NPDES means National Pollutant Discharge Elimination System.

O & M means operation and maintenance.

SIC means standard industrial classification.

SS means suspended solids.

USC means United States Code.

(Ord. No. 150, art. I, § 203, 9-11-89)

Sec. 58-88. Establishment and continuance of sewer department.

The township does hereby establish and continue a sewage department to operate and control the sewage disposal system in the township, which shall be under the jurisdiction and control of the township board. The construction, alteration, repair and management of the system shall be under the supervision and control of the township board. The township board may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the sewage disposal system.

(Ord. No. 150, art. II, § 201, 9-11-89)

Secs. 58-89--58-100. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

***Cross references:** Administration, ch. 2.

Sec. 58-101. Enforcement officer.

It shall be the duty of the director to enforce the provisions of this article.

(Ord. No. 150, art. XIX, § 1901, 9-11-89)

Sec. 58-102. Suspension of service; reasons.

The township may suspend water and/or wastewater treatment service when such suspension is necessary, in the opinion of the township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of individuals or the environment, causes interference to the sewage works or causes a violation of any condition of the sewage works NPDES permit.

(Ord. No. 150, art. XIX, § 1902, 9-11-89)

Sec. 58-103. Stopping contribution upon notification; conditions for resumption of service.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the township shall take such steps as deemed necessary, including immediate suspension of water service and/or the severance of the sewer connection, to prevent or minimize damage to the sewage works or endangerment to any individuals or the environment. The director shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within 15 days of the date of occurrence.

(Ord. No. 150, art. XIX, § 1903, 9-11-89)

Sec. 58-104. Failure of user to remain within limits; discontinuance or denial of service.

Where it is not possible for a user or prospective user to bring its wastes within the limits prescribed by this article and any orders of determination made under this article, the township may discontinue or deny service to such user or prospective user.

(Ord. No. 150, art. XIX, § 1904, 9-11-89)

Sec. 58-105. Service of notice of violation; user plan for correction required.

Whenever the director finds that any user has violated or is violating this article, or any prohibition, limitation of requirements contained in this article, the director may serve upon such user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the director by the user.

(Ord. No. 150, art. XIX, § 105, 9-11-89)

Sec. 58-106. Actions for legal or equitable relief.

Following the entry of an order by the director with respect to the conduct of a discharger contrary to the provisions of this article, the township attorney may, following authorization of such action by the township, commence an action for appropriate legal or equitable relief in the appropriate court of law.

(Ord. No. 150, art. XIX, § 1906, 9-11-89)

Sec. 58-107. User to inform director upon upset.

Any industrial user which experiences an upset shall inform the director thereof of first awareness of the commencement of the upset.

(Ord. No. 150, art. XIX, § 1907, 9-11-89)

Sec. 58-108. Affirmative defense to enforcement action.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the township against a discharger for any noncompliance with this article or any permit issued pursuant to this article, which arises out of violations alleged to have occurred during the period of the upset, if the requirements of section 58-109 are met.

(Ord. No. 150, art. XIX, § 1908, 9-11-89)

Sec. 58-109. Relevant evidence to be demonstrated by user.

An industrial 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 industrial user can identify the specific causes of the

upset.

- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (3) The industrial user has submitted the following information to the director 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 the exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(Ord. No. 150, art. XIX, § 1909, 9-11-89)

Sec. 58-110. User to have burden of proof.

In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(Ord. No. 150, art. XIX, § 1910, 9-11-89)

Sec. 58-111. Penalty for violation of article.

- (a) Any person who shall violate any provision of this article shall be served by the township with a written notice stating the nature of the violation and providing a maximum of ten days for the satisfactory correction of such violation; provided, however, that in cases of serious danger to public health or potential damage to the sewage works, a forthwith notice to cease the violation may be served, which notice shall have immediate effect.
- (b) Any person who violates this article shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day in which any violation shall continue shall be deemed a separate offense.

(Ord. No. 150, art. XX, §§ 2001, 2002, 9-11-89; Ord. No. 2000-03, 8-28-2000)

Sec. 58-112. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of any sewage works in the township. Any person found violating this section shall be subject to immediate arrest and charged with disorderly conduct, as described in this division.

(Ord. No. 150, art. XXIII, § 2301, 9-11-89)

Sec. 58-113. Power and authority of inspectors.

Duly authorized employees of the O.C.P.U.S. and township bearing proper credentials

and identification shall be permitted at all reasonable hours to enter upon properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article and the Act.

(Ord. No. 150, art. XXIV, § 2401, 9-11-89)

Sec. 58-114. Restriction imposed by other township ordinances and/or state statutes.

If any provision of any other ordinance of the township and/or the statutes of the state imposes greater restrictions than set forth in this article, then the provisions of such ordinances and/or state statutes shall control.

(Ord. No. 150, art. XXV, § 2501, 9-11-89)

Sec. 58-115. Abatement of nuisances.

Nothing stated in this article may be construed to limit the power of the township board to order the immediate and complete abatement of a public nuisance or menace to the public health or of a condition which, in the opinion of the township board, may be a menace to the public health.

(Ord. No. 150, art. XXVI, § 2601, 9-11-89)

Sec. 58-116. Authority of the O.C.P.U.S.

Nothing as set forth in this article shall supercede or revoke any power or grant of authority held by the county, acting by and through its board of county road commissioners, also referred to as the Ottawa County Public Utility System (O.C.P.U.S.), under previous contracts and agreements between the township and the county which grant the county certain rights, duties and obligations relative to the use and administration of the township sewage disposal system, pretreatment agreements, maintenance and operation agreements and bond contracts. If the township shall refuse, neglect, or for any reason be unable to carry out the provisions of this article, the county, acting by and through its board of county road commissioners, shall, by provisions of such contracts and agreements, be obligated to enforce any and all provisions of this article.

(Ord. No. 150, art. XXVII, § 2701, 9-11-89)

Secs. 58-117--58-125. Reserved.

DIVISION 3. OPERATION AND MAINTENANCE

Sec. 58-126. Allendale Area System.

The operation, maintenance, alteration, repair and management of the Allendale Area System shall be under the supervision and control of the O.C.P.U.S., or Allendale Township, and they may employ such persons in such capacities and may make such rules, orders and regulations as they deem advisable and necessary to carry out the efficient management and operation of the Allendale Area System, including the authority to establish rates and charges

for services.

(Ord. No. 150, art. V, § 501, 9-11-89)

Sec. 58-127. Rush Creek System.

The operation, maintenance, alteration and repair of the Rush Creek System serving the township and within the township corporate limits shall be under the supervision and control of the township. The township may employ such persons in such capacities and make such rules, orders and regulations as it deems advisable to carry out the efficient management and operation of the system.

(Ord. No. 150, art. V, § 502, 9-11-89)

Sec. 58-128. Establishment of funds for sewage disposal system.

The township does hereby continue and establish the following funds, and all revenues collected under this article, or any other township ordinance, resolution or amendment, which funds are collected for the benefit of the sewage disposal system, and which funds are not directed to other funds established for the payment of specific bond issues, as established by separate bond ordinances, shall be deposited in the "sewer and water enterprise fund" upon receipt thereof.

(Ord. No. 150, art. XVI, § 1601, 9-11-89; Ord. of 7-24-95)

Sec. 58-129. Additional revenue, if needed, to pay bond and contract expenses.

If there are insufficient revenues derived from the collection of all charges as provided by this article, or such other ordinances provided by the township for the benefit of the sewage disposal system to pay the annual contract installments in connection with the Rush Creek Sewer Disposal Contract to the county, the township shall obtain additional revenue by one or more of the following methods, and deposit such additional revenue to the receiving fund.

- (1) Levy a tax on taxable property in the township.
- (2) Levy special assessments on property benefited by the sewage disposal system.
- (3) Levy and collect additional charges to users and beneficiaries of the services furnished.
- (4) Transfer the funds received or to be derived from the imposition of taxes by the state, except as the use of such money for such purpose is expressly prohibited by the state constitution.
- (5) Transfer of monies from any other funds which may be validly used for such purposes.

(Ord. No. 150, art. XVII, § 1701, 9-11-89)

Sec. 58-130. Operating year.

The sewer disposal system department shall operate on the basis of the operating year commencing January 1 and ending December 31 the next following.

(Ord. No. 150, art. XVIII, § 1801, 9-11-89)

Secs. 58-131--58-140. Reserved.

DIVISION 4. PUBLIC SEWER USE

Subdivision I. In General

Sec. 58-141. Deposit of wastes prohibited; exception.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the township, or in any area under the jurisdiction of the township, any human or animal waste matter, garbage, industrial waste, or other objectionable waste, except as fertilizer for farming or gardening purposes when distributed in a reasonable standard and unobjectionable manner.

(Ord. No. 150, art. III, § 301, 9-11-89)

Sec. 58-142. Discharge of sewage to natural outlets or watercourses.

It shall be unlawful to discharge to any natural outlet or watercourse within the township, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. No. 150, art. III, § 302, 9-11-89)

Sec. 58-143. Construction of private disposal facilities where public sewer exists.

It shall be unlawful to construct, replace, repair, extend or expand any privy, privy vault, septic tank, cesspool, drainfield, dry well, or other facility intended or used for the disposal of sewage for any house, building or property used for human occupancy, employment or recreation, or other purpose within the township on any lot or parcel abutting upon any street, alley or right-of-way in which there is a public sanitary sewer adjacent to the property line; however, this shall not prevent the pumping out or cleaning of septic tanks.

(Ord. No. 150, art. III, § 303, 9-11-89)

Sec. 58-144. Installation of toilet facilities; connection to public sewer.

The owners of all homes, buildings or other properties hereafter constructed within the township, used for human occupancy, employment, recreation or other purpose, and abutting upon any street, alley, or right-of-way in which there is a public sanitary sewer adjacent to the property line, shall install suitable toilet facilities therein, and connect such facilities directly to such public sanitary sewer in accordance with the provisions of this article.

(Ord. No. 150, art. III, § 304, 9-11-89)

Sec. 58-145. Time limit to connect with public sewer.

If the private sewage disposal system of any house, building or other property used for human occupancy, employment, recreation or other purpose which does not comply with the other regulations of the township, and the regulations of all government agencies having jurisdiction, and such property abuts upon any street, alley or right-of-way in which there is a public sanitary sewer, such owner shall be required, within 90 days after written notice from the township, to install suitable toilet facilities therein, and to connect such facilities directly to such public sanitary sewer in accordance with the provisions of this article.

(Ord. No. 150, art. III, § 305, 9-11-89)

Sec. 58-146. Notice of availability; publication; enforcement; remedies.

Any structure in which sewage originates within the township shall be connected to any available public sanitary sewer within 18 months after publication by the township of a legal notice of availability of a public sanitary sewer in a newspaper of general circulation in the township. For purposes of this section a public sanitary sewer shall be considered to be available when it is located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the property in question and passes not more than 200 feet at the nearest point from the structure in which the sewage originates. For purposes of this section, the phrase "structure in which sewage originates" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities that generate wastewater are used or are available for use for household, commercial, industrial or other purposes. If the structure in which sewage originates has not been connected to an available public sanitary sewer within the 18-month period, then the township shall require the connection to be made in accordance with MCL 333.12754, as amended, or any similar successor statutory provision. In so proceeding, the township shall have the rights and remedies provided in MCL 333.12754, as well as all rights and remedies provided by this article.

(Ord. No. 150, art. III, § 306, 9-11-89)

Secs. 58-147--58-155. Reserved.

Subdivision II. Administration and Enforcement*

***Cross references:** Administration, ch. 2.

Sec. 58-156. Administration.

- (a) *Discharges prohibited; exceptions.* It shall be unlawful to discharge to the waters of the state within the township or to the sewage works any wastewater, except as authorized by the township in accordance with the provisions of this division, or except as provided by an NPDES permit.
- (b) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the director, 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 not be required for private

living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- (1) *25% Rule.* The combined depth of oil and grease and other solids (floating and settled) in any chamber of a trap shall not be equal to or greater than 25 percent of the total operating depth of the trap. The operating depth of a trap is determined by measuring the internal depth from the water outlet invert elevation to the inside bottom of the trap.
- (2) *Grease traps.*
 - a. All establishments where food is manufactured, sold or prepared, except for small areas designated as employee break areas or the equivalent, discharging wastewater containing fats, oils, and grease (FOG) to the Township of Georgetown sewage works and/or the POTW shall install, operate and maintain a sufficiently-sized oil and grease, water and solids separator (hereinafter called grease trap) necessary to achieve and maintain compliance with the limits set forth in section 58-173.
 - b. Unless otherwise authorized by the department of public works (DPW) director, all grease traps shall be of the outdoor, inline variety. With special authorization by the director, grease traps of the indoor, under-counter, stand-alone variety may be allowed. In this case, maintenance of indoor grease traps shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25% Rule" as defined herein. Under no condition shall an indoor grease trap be cleaned at intervals less than once every 14 days unless approved in writing by the DPW director.
 - c. Grease traps shall be provided when they are necessary for the proper handling of liquid wastes containing grease in amounts that may potentially violate the Georgetown Township Code of Ordinances or any flammable wastes, sand or other substances that are deemed harmful to the collection system and/or the wastewater treatment plant. Such traps shall not be required for dwelling units. All interceptors shall be of a type and capacity approved by the DPW director and shall be located so as to be readily accessible for cleaning and inspection.
 - d. Grease traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
 - e. Where installed, all grease traps shall be cleaned and maintained by the owner and shall be operated continuously in an efficient manner whenever the facility is in operation. The township shall have the right to

inspect all traps and the maintenance and disposal records related to the operation of grease traps.

- f. The user shall be responsible for the proper removal and legal disposal of the grease trap waste. All waste removed from each grease trap must be disposed of at a facility permitted to receive such waste. No grease trap pumpage may be discharged to the township sewer system. Maintenance shall include the complete removal of all contents, including floatable materials, wastewater, sludges and solids and jet flushing to remove measurable build-up on tank walls. Top skimming of outdoor grease traps, decanting or back flushing of the grease trap or its wastes for the purpose of reducing the volume or to be hauled is prohibited.
- g. There shall be ample room and reasonable access to grease traps to allow accurate sampling and preparation of samples for transport and analysis.
- h. Grease traps shall be installed in compliance with the current plumbing codes adopted by the township. The DPW director shall make final determination and approval of a grease trap's size. If additional pretreatment and/or maintenance is required to meet the provisions in this subdivision, the DPW director, may require that the establishment in existence prior to the effective date of this subdivision upgrade to the requirements provided.
- i. Maintenance of an outdoor grease trap shall be performed at frequencies necessary to protect the capacity of the sewer system against accumulation of grease and oils, as required by the "25% Rule" and at intervals no less than once every 90 days unless approved in writing by the DPW director.
- j. Use of any bacteriological, chemical or enzymatic addition for the purpose of maintaining a grease trap is prohibited unless written approval is obtained from the DPW director.
- k. The user shall be responsible for maintaining records and/or manifests as to the dates or service, quantity and waste hauler name at the user's location of a period of three years, which records shall be subject to review by the township without prior notification.
- l. The user has the responsibility of delivering to the township DPW director an annual copy of the trap cleaning records. This must be done by the first of February of each calendar year.
- m. Should any user fail to properly clean and maintain a grease trap as required herein, the township, at its option, may contract for appropriate cleaning and maintenance by a licensed contractor, the cost of which shall be collectable by the township from the user at a charge of actual cost plus 100 percent.

- (c) *Users to provide required wastewater treatment.* Industrial users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all pretreatment standards within the time limitations as specified by the federal pretreatment regulations and as required by the township and the O.C.P.U.S.

Any facilities required to pretreat wastewater to a level acceptable to the township and the O.C.P.U.S. shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facility and operating procedures shall be submitted to the township and the O.C.P.U.S. for review, and shall be approved by the township and the O.C.P.U.S. before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the township and the O.C.P.U.S. under the provisions of this article. Any subsequent changes in the pretreatment facility or method of operation shall be reported to and be acceptable to the township and the O.C.P.U.S. prior to the user's initiation of the changes.

- (d) *Publication of list of user violations.* The township shall annually publish in the major local newspaper a list of the users with significant violations during the previous 12 months. The notification shall also summarize any enforcement actions taken against the users during the same 12 months.
- (e) *Availability of records of compliance with pretreatment standards.* All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDNR upon request.
- (f) *Submission of required information on processes and wastewater by users prior to connection.* All nondomestic users proposing to connect to or to contribute to the sewage works shall submit information on their processes and wastewater to the township and the O.C.P.U.S. before connecting to or contributing to the sewage works. All existing industrial users connected to or contributing to the sewage works shall submit this information upon request of the director. The information submitted must be sufficient for the township and the O.C.P.U.S. to determine the impact of the user's discharge on the sewage works and the need for pretreatment. The user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address and location (if different from the address).
 - (2) SIC number.
 - (3) Wastewater constituents and characteristics listed in the order of determination, as established by a reliable analytical laboratory determination.
 - (4) Time and duration of contribution.
 - (5) Average daily and instantaneous peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (6) Industries identified as significant industries or subject to the national categorical pretreatment standards or alternative discharge limits or those required by the township and the O.C.P.U.S. must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers, and appurtenances by size, location and elevation.
 - (7) Description of activities, facilities and plan processes on the premises including all materials which are or could be discharged.
 - (8) The nature and concentration of any pollutants in the discharge which are limited by any local, county, state or federal pretreatment standards, and a statement

regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O & M and/or additional pretreatment is required by the industrial user to meet applicable pretreatment standards.

- (9) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards, including, but not limited to, dates related to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this article.
 - b. No increment referred to in subsection (f)(9)a of this section shall exceed two months.
 - c. Not later than 15 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than three months elapse between such progress reports to the director.
- (10) Each product produced by type, amount, process or processes and rate of production.
- (11) Type and amount of raw materials processed, average and maximum per day.
- (12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (13) Any other information as may be deemed by the township and the O.C.P.U.S. to be necessary to evaluate the impact of the discharge on the sewage works.
- (g) *Deadline for submission by user of required information.* Within six months of the promulgation or revision of pretreatment standards, all affected users must submit to the director the information required by subsections (f)(8) and (f)(9) of this section.
- (h) *Discharges subject to regulation, charges and fees.* Wastewater discharges shall be expressly subject to all provisions of this article and all other applicable regulations, charges and fees established by the township. The township may:
 - (1) Set unit charges, surcharges, or a schedule of other charges and fees for the wastewater to be discharged to the sewage works;
 - (2) Limit the average and maximum wastewater constituents and characteristics;

- (3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
 - (4) Require the installation and maintenance of inspection and sampling facilities;
 - (5) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (6) Establish compliance schedules;
 - (7) Require submission to the director of technical reports or discharge reports;
 - (8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the director, and affording the director access thereto, and copying thereof;
 - (9) Require notification of the director for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewage works;
 - (10) Require notification of the director of slug discharge; and
 - (11) Require other conditions as deemed appropriate by the township to ensure compliance with this article.
- (i) *Report on nature and concentration of pollutants and average and maximum daily flow by user; deadline; contents.* Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the sewage works, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified representative.
- (j) *Semiannual report; additional information.* Any user or new source discharging into the sewage works shall submit to the director semiannually, unless required more frequently in pretreatment standards or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in subsection (f) of this section. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may alter the months during which the above reports are to be submitted. The director may also impose mass limitations on users in cases in which the imposition of mass limitations is appropriate. In such cases, the reports required by this subsection shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

- (k) *Monitoring facilities.* The township may require to be provided and operated at the user's expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship on the use, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the township and the O.C.P.U.S. and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the director.
- (l) *Metering.* All sewage customers shall either have approved meters on all water sources that ultimately are discharged into the sewage works or shall meter the liquid wastes at the point of discharge into the sewer works.
- (m) *Report data to be available to public; exception.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restrictions unless the user specifically requests and is able to demonstrate to the satisfaction of the township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the NPDES permit, or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Ord. No. 150, art. VIII, § 805, 9-11-89; Ord. No. 2006-03, §§ 1, 2, 6-12-06)

Sec. 58-157. Penalty for violation of division.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall be guilty of a misdemeanor and shall be punished by a fine in an amount of not more than \$500.00 or imprisonment for not more than 90 days or both such fine and imprisonment.

(Ord. No. 150, art. VIII, § 806, 9-11-89; Ord. No. 2000-03, 8-28-2000)

Sec. 58-158. Preservation of records.

All discharges subject to this division shall retain and preserve for no less than three

years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the township pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. No. 150, art. VIII, § 807, 9-11-89)

Sec. 58-159. Spill prevention plan.

All industrial users shall develop and submit to the township and the O.C.P.U.S. a spill prevention plan in accordance with the requirements of Act No. 245 of the Public Acts of Michigan of 1929 (MCL 323.1 et seq.), as amended, and part 5 of the rules promulgated thereunder being Michigan Administrative Code Rules 323.1151 et seq.

(Ord. No. 150, art. VIII, § 808, 9-11-89)

Sec. 58-160. Show cause hearing.

- (a) *Request deadline.* Any user subject to an order of determination or an enforcement action under the provisions of this division may request a hearing before the director within ten days of receipt of notification of such order or action. A hearing shall be held by the director concerning the order or action, the reasons for the order or action, any proposed enforcement actions, and directing the user to show cause why the proposed order or action should not be implemented.
- (b) *Conduct of hearing.* The director may conduct the hearing and take the evidence, or may designate any officer or employee to:
 - (1) Issue in the name of the director notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) Take the evidence; and
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.
- (c) *Testimony; under oath; recording.* At any hearing held pursuant to this section, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) *Review; orders and directives.* After the director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the wastewater treatment service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and the devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- (e) *Surcharges and fees for additional costs.* The township shall also establish appropriate

surcharges or fees as reimbursement for the additional cost of operation and maintenance of the wastewater treatment works due to any violations of this division.

- (f) *Appeals.* Any action by the director or township may be appealed in accordance with the provisions of section 58-161.

(Ord. No. 150, art. VIII, § 809, 9-11-89)

Sec. 58-161. Appeal procedure.

- (a) Any industrial user who is subject to an order of determination shall have the right to appeal the rulings and findings to a board of referees consisting of two registered professional engineers, one of whom shall be selected by the user and one by the township.
- (b) Within ten days after receiving notice of the selection of the referees, the township shall file with the referees a copy of its determination and the results of its determination and the results of its investigation supporting same. Within ten days thereafter, the appellant industrial user shall file its reply with supporting documentation. The referees may thereafter require additional information and may, if they choose, hold a hearing at which both sides may present evidence and arguments. The referees shall render a written opinion within ten days after the last documents are filed, and such opinion shall be binding upon all parties. If the referees cannot agree, they shall select a third referee having the same qualifications, and a decision of the majority shall be binding.
- (c) The referees shall be entitled to reasonable comparison and expenses, and the cost thereof shall be borne equally by appellant and the township.

(Ord. No. 150, art. VIII, § 810, 9-11-89)

Secs. 58-162--58-170. Reserved.

Subdivision III. Prohibited Discharges

Sec. 58-171. Waters.

No person shall discharge, or cause to be discharged, any stormwater, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water, or unpolluted industrial process waters to any public sanitary sewer. No footing drain shall be connected to a public sanitary sewer. All footing drainwater shall be discharged to a storm sewer or to a dry well.

(Ord. No. 150, art. VIII, § 801, 9-11-89)

Sec. 58-172. Use of storm sewers and natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the county road commission, county drain commissioner, state water resources commission, and/or other interested governmental agencies. Industrial cooling water, unpolluted air conditioning water, or unpolluted process waters may be discharged to a storm sewer or natural outlet upon approval of the

county road commission, and, where appropriate, upon approval of the county drain commissioner, state water resources commission, and/or other interested governmental agencies.

(Ord. No. 150, art. VIII, § 802, 9-11-89)

Sec. 58-173. Substances.

No person shall discharge or contribute or cause to be discharged or contributed, directly or indirectly, any of the following described substances into the sewage works:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage works or to the operation of the sewage works.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewage works.
- (3) Any wastewater having a pH less than 6.0 or greater than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause injury or interference with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage works, or exceed the limitation set forth in the national categorical pretreatment standards, or any other federal, state, county or local standards.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the sewage works' effluent or any other product of the sewage works, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or cause interference with the reclamation process.
- (7) Any substance which will cause the sewage works to violate its NPDES permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the sewage works resulting in interference, but in no case wastewater with a temperature at the introduction into the sewage works which exceeds 104 degrees Fahrenheit.
- (10) Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode as to cause interference to the sewage works.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or

concentration as may exceed limits established by the director in compliance with applicable federal or state regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance.

(13) Any contaminant in excess of those contained in the orders of determination.

(Ord. No. 150, art. VIII, § 803, 9-11-89)

Sec. 58-174. Limitations on wastewater strength.

- (a) Upon the promulgation of the national categorical pretreatment standards, alternative discharge limits, or other federal or state limitations, for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division and shall be considered part of this division. The director shall notify all affected users of the applicable reporting requirements.
- (b) State requirements and limitations on discharges shall apply whenever they are more stringent than national categorical pretreatment standards or limitations presented in this division. Neither state nor federal requirements are subject to the appeal procedures set forth in section 58-161.
- (c) The director shall, by written order of determination, establish the relative strength of sewage and industrial waste to be received into the public sanitary sewer from all significant commercial and industrial users and any other as determined by the director.
- (d) The orders of determination may be reviewed yearly and the maximums adjusted to compensate for increased flows in the entire sewer system or increased contribution of toxic, poisonous or objectionable substances by other users of the sewage works. It shall be the duty of the director to attempt to apportion to each industry its fair share of toxic waste discharge, such that the combined wastes of all users will not endanger the sewage works.
- (e) Any order of determination issued pursuant to the provisions of this division shall be considered a part of this division for the specific industrial user or other establishment involved and shall be enforceable in the same manner as this division.
- (f) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this division.
- (g) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division to waters of the state or the sewage works. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the township and the O.C.P.U.S. for review, and shall be approved by the township and the O.C.P.U.S. before construction. Each user shall complete construction of these facilities within a time period specified by the director. No new user shall be permitted to introduce pollutants in the sewage works until approved accidental discharge facilities have been constructed. Review and approval of such plans and operating procedures shall not

relieve the user from the responsibility to modify the facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the director of the incident. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions as follows:

- (1) Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.
- (2) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

(Ord. No. 150, art. VIII, § 804, 9-11-89)

Secs. 58-175--58-185. Reserved.

DIVISION 5. PRIVATE SEWAGE DISPOSAL

Sec. 58-186. Permitted where public sewer unavailable.

Where a public sanitary sewer is not available so that the provisions of this article do not apply, the building sewer shall be connected to a private sewage disposal system which shall comply with all regulations of the township and the regulations of all governmental agencies having jurisdiction, specifically including the rules and regulations governing wastes and sewage disposal in the county and providing further as follows:

- (1) The minimum operating capacity for septic tank installation shall be as follows:

TABLE INSET:

1 bedroom.....	800 gallons
2 bedrooms.....	800 gallons
3 bedrooms.....	1,000 gallons

- (2) All subsurface system lines for distributing septic tank effluent for direct soil absorption shall be laid over at least eight inches of washed stone not less than one inch in size, in trenches less than 36 inches wide at the bottom.

(Ord. No. 150, art. IV, § 401, 9-11-89)

Sec. 58-187. Abandonment and filling of private system upon availability of public sewer.

At such time as direct connection shall be made to such public sanitary sewer in compliance with division 4 of this article, any septic tanks, cesspools and similar private sewage facilities shall be pumped out, filled with sand or gravel, and abandoned.

(Ord. No. 150, art. IV, § 402, 9-11-89)

Sec. 58-188. Operation and maintenance.

The owner shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times with no expense to the township.

(Ord. No. 150, art. IV, § 403, 9-11-89)

Sec. 58-189. Conflicts of division provisions with additional requirements.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the township board or by any other governmental unit or body having jurisdiction or to which the township board has delegated such jurisdiction.

(Ord. No. 150, art. IV, § 404, 9-11-89)

Sec. 58-190. Construction of facilities for eventual connection to public sewer.

In all newly constructed buildings where a public sanitary sewer is not available, and in the opinion of the director the required location of the building drain, for connection to the future public sanitary sewer, would be in or beneath the basement floor, in addition to the construction of the required private sewer system, a system for the disposal of wastes including the building drain shall be constructed and properly capped so as to be available for future connection to public sanitary sewer according to the estimated location and depth of the proposed or future public sanitary sewer, as determined by the director. The construction of such sewer lines and building drain shall conform to all the requirements of the state and township building and planning codes, and the requirements of this article, in the same manner as if it were to be immediately connected to public sanitary sewer.

(Ord. No. 150, art. IV, § 405, 9-11-89)

Secs. 58-191--58-200. Reserved.

DIVISION 6. BUILDING SEWERS AND CONNECTIONS

Subdivision I. In General

Sec. 58-201. Connections to be made by authorized persons; permit required.

Only authorized persons shall uncover and make any connections with or openings into, or use, alter or disturb any public sanitary sewer or appurtenance thereof, and then only after first obtaining a written permit from the township.

(Ord. No. 150, art. VI, § 601, 9-11-89)

Sec. 58-202. Classes of building sewer permits; required information; fees.

There shall be two classes of building sewer permits:

- (1) Residential and commercial service; and
- (2) Service to establishments producing industrial wastes.

In either case, the owner or his agent shall make applications on a special form furnished by the township. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the township. Permit inspection fees shall be paid to the township at the time the permit application is filed, and shall be in such amounts as the township board shall, from time to time by resolution, provide.

(Ord. No. 150, art. VI, § 602, 9-11-89)

Sec. 58-203. Costs and expenses for installation and connection.

- (a) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the building sewer. The owner shall indemnify the township against any loss or damage that may directly or indirectly result from the installation of the building sewer.
- (b) All costs and expenses incidental to the maintenance and repair of the service line and the connection between the service line and the lateral shall be borne by the owner.
- (c) All costs and expenses incidental to the maintenance and repair of the lateral shall be borne by the township; provided, however, that if such damage or repairs are required solely because of blocking of the lateral from materials delivered by the owner through the service line, the costs shall be borne by the owner.
- (d) Expenses for maintenance and/or repairs incurred by the township, which are the responsibility of the owner, shall be billed to the owner by the township.

(Ord. No. 150, art. VI, § 603, 9-11-89)

Sec. 58-204. Separate and independent sewer to be provided for each building; exception.

A separate and independent building sewer shall be provided for each building, except that where one building stands at the rear of another on an interior lot and no separate building sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Compliance with pretreatment standards prescribed by this article shall be determined within each tributary to the common building sewer prior to commingling with other wastewater.

(Ord. No. 150, art. VI, § 604, 9-11-89)

Sec. 58-205. Use of dormant building sewers.

Dormant building sewers may be used only on examination and test by the township or

the state, and are found to meet all requirements of this division.

(Ord. No. 150, art. VI, § 605, 9-11-89)

Sec. 58-206. Construction materials.

The building sewer shall be cast iron soil pipe, ASTM A74; clay sewer pipe, ASTM C-700, extra strength; plastic sewer pipe, (ABS) ASTM D2751 SDR 35 or PVC ASTM D3034 SDR 35, except that in filled or unstable ground the pipe shall be extra heavy cast iron.

(Ord. No. 150, art. VI, § 606, 9-11-89)

Sec. 58-207. Size and slope.

The size (diameter) of the building sewer connected to a public sanitary sewer shall not be less than four inches. The slope shall not be less than one-eighth inch per linear foot.

(Ord. No. 150, art. VI, § 607, 9-11-89)

Sec. 58-208. Placement; depth; direction.

No building sewer shall be laid parallel to, and within three feet of, any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or with long radius fittings. Each bend of 45 degrees or over shall have a cleanout.

(Ord. No. 150, art. VI, § 608, 9-11-89)

Sec. 58-209. Lifting of sewage.

In all buildings in which any building drain is too low to permit gravity flow to the building sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

(Ord. No. 150, art. VI, § 609, 9-11-89)

Sec. 58-210. Excavations; pipelaying and backfill.

- (a) All excavations which are made for the installation of building sewers shall be done in complete conformance with the requirements and standards of the township and the state.
- (b) Pipelaying and backfill shall be performed in accordance with the applicable provisions of ASTM C-12, except that no backfill shall be placed until the work has been inspected and approved by the inspector. Cinders shall not be used for backfill.

(Ord. No. 150, art. VI, § 610, 9-11-89)

Sec. 58-211. Joints.

All joints shall be tight. Joints for cast iron pipe shall be made with oakum or hemp and

filled not less than one inch deep with lead meeting federal specifications (QQ-L156), or shall be sealed with a neoprene gasket of a type approved by the inspector. Paint, varnish and putty shall not be permitted on jointing material until after testing. All joints for clay pipes shall be resilient compression joints, ASTM C425. Joints for plastic pipes shall be chemically welded couplings.

(Ord. No. 150, art. VI, § 611, 9-11-89)

Sec. 58-212. Testing by exfiltration.

All building sewers may be tested by exfiltration if so determined by the inspector. The test shall be made with a minimum head of six feet. The exfiltration rate shall not exceed 28.4 gallons per inch of pipe diameter per 1,000 feet of pipe per day. The test will be made by the installer in the presence of the inspector. Certification of the test shall be a requirement for approval of the installation.

(Ord. No. 150, art. VI, § 612, 9-11-89)

Sec. 58-213. Applicant for building sewer permit to notify township when sewer ready for inspection and connection.

The applicant for the building sewer permit shall notify the township when the building sewer is ready for inspection and connection to the public sanitary sewer or lateral. The connection shall be made under the supervision of the inspector.

(Ord. No. 150, art. VI, § 613, 9-11-89)

Sec. 58-214. Guarding of excavations; barricades and lights.

All excavation for building sewer installation shall be adequately guarded with barricades and lights.

(Ord. No. 150, art. VI, § 614, 9-11-89)

Sec. 58-215. Officer conducting inspections.

All inspections shall be made by the state plumbing inspector, until such time as the township shall employ a qualified plumbing inspector under the provisions of the state plumbing code; and thereafter, all inspections shall be made by the township plumbing inspector.

(Ord. No. 150, art. VI, § 615, 9-11-89)

Sec. 58-216. Construction of basements on floor drains.

No basement or floor drain shall be allowed to be constructed or installed in any building unless the surface of the floor or basement is at least 12 inches above the groundwater table, as estimated or determined by the township at its highest point during the year, existing at the location of the drain.

(Ord. No. 150, art. VI, § 616, 9-11-89)

Secs. 58-217--58-225. Reserved.

Subdivision II. Connections

Sec. 58-226. Service types.

Service connections shall consist of one of the following:

- (1) *Type 1.* Wye branches installed in the public sanitary sewer at the time of construction. Connections to existing wye branches shall be made of an approved type of joint material or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to any damaged wye. If damage occurs during the making of the connection, the wye shall be taken out of the public sanitary sewer by the plumber and replaced either by another undamaged wye or by a straight pipe. If a straight pipe is used in the replacement, other approved connection methods shall be used. Concrete encasement of the wye, connection joint, or any other part of the connection shall not be deemed watertight and shall not be allowed as a method of repairing a damaged joint.
- (2) *Type 2.* Connections of the saddle type installed in the public sanitary sewer. Connections of this type shall be made in a smooth, round hole, machine-drilled into the public sanitary sewer pipe or as otherwise approved by the township. The fitting used in the connection shall be of such a design as to ensure that no part of the fitting shall protrude into the public sanitary sewer pipe. The connector shall fit perfectly the contour of the inside of the public sanitary sewer pipe and shall be specifically designed to fit the particular size public sanitary sewer pipe into which the connection is made. The hole shall be of size as to provide one-eighth-inch clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the public sanitary sewer pipe shall be one-eighth of an inch thick, and this space shall also be completely filled with joint material.
 - a. Joint material used for type 2 service connections shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement will not be considered waterproof.
 - b. The fitting for a type 2 service connection shall be manufactured of cast iron and shall be capable of receiving ASTM cast iron pipe.
 - c. The type 2 fitting and drilling machine herein described shall be of the type manufactured by Smith & Loveless, Inc., Lenexa, Kansas, or an equal approved by the township.

(Ord. No. 150, art. VII, § 701, 9-11-89)

Sec. 58-227. Used in existing sewers.

Type 1 connections may be used in existing public sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, type 2 connections shall be used.

(Ord. No. 150, art. VII, § 702, 9-11-89)

Sec. 58-228. Used in new sewers.

When new public sanitary sewers are constructed, type 1 connections may be made in cases where the connections to the lot line are made during construction and before backfilling of the public sanitary sewer trench. Type 2 connections shall be made in all cases where there are no wye branches already installed at the proper locations.

(Ord. No. 150, art. VII, § 703, 9-11-89)

Sec. 58-229. Nonconnecting sewers--Generally.

Nonconnecting building sewers may be installed to service any existing building without payment of connection charges, as required by the township for hookup to existing public sanitary sewers, until such time as the nonconnecting building sewer is interconnected with the building drain.

(Ord. No. 150, art. VII, § 704, 9-11-89)

Sec. 58-230. Same--Inspection fees.

All owners of buildings with nonconnecting building sewers shall pay an inspection fee as set by the township board by resolution from time to time, and such fee shall be assessed and filed in the same manner as other charges as set forth in this article.

(Ord. No. 150, art. VII, § 705, 9-11-89)

Sec. 58-231. Same--Part of dry sanitary system; inspection fee.

All owners of buildings with nonconnecting building sewers, where the nonconnecting building sewer is part of a dry sanitary sewer system, shall pay an inspection fee as required in section 58-230.

(Ord. No. 150, art. VII, § 706, 9-11-89)

Sec. 58-232. Same--Right of township to inspect.

The township shall have the right to inspect all buildings which have nonconnecting building sewers at all reasonable hours and times, and any refusal by the owners or the occupants of such premises for such inspection shall automatically thereby grant the township the right to make charges for sewer use as if the building drain was connected to the building sewer.

(Ord. No. 150, art. VII, § 707, 9-11-89)

Sec. 58-233. Same--Connection to building drain.

No person shall connect the nonconnecting building sewer to the building drain without authority of the township and without payment of all connection charges then in force by the township at the date of request for connection.

(Ord. No. 150, art. VII, § 708, 9-11-89)

Sec. 58-234. Same--Unauthorized connection; charges.

If any owner or occupant of any building connects the nonconnecting building sewer to the building drain without township authorization, the owner of the premises shall be charged for full sewer service rates, which includes a quarterly operation and maintenance charge, and sewer rates based on winter usage of water consumed, from the date of the last inspection or, if not, inspection has been made from the installation of the nonconnection service, by the township. In addition, the owner of the premises shall be liable to the township, which amount shall be assessed as part of the charges under this division, the full cost of cleaning or repairing any damage which is caused to any dry sanitary sewer system by such connection and deposit of waste.

(Ord. No. 150, art. VII, § 709, 9-11-89)

Sec. 58-235. Prohibited without determination of capacity by director.

No service connection will be permitted unless sufficient capacity is available in the sewage works, as determined by the director.

(Ord. No. 150, art. VII, § 710, 9-11-89)

Secs. 58-236--58-245. Reserved.

Subdivision III. Township Contribution for Required Extra Size and Greater Depth for the Benefit of Upstream Properties

Sec. 58-246. Continuance of policy.

The township hereby continues its established policy of paying portions of the cost for construction of sanitary sewer mains within the township if the township requires the installation of a larger pipe or at a greater depth to serve other portions of the township. It is determined that it is in the best interest of the township to continue to make such contributions which is open to all residents or owners of property within the township so as to partially equalize the cost of such construction; however, no payment or authorization of payment shall be made by the township without final approval of the township board.

(Ord. No. 150, art. XI, § 1101, 9-11-89)

Sec. 58-247. Additional installation or construction requirements.

The township may contribute the cost of additional installation or construction

requirements of sanitary sewer mains to the developer-owner of the property, when required by the township, to serve upstream properties not owned by the owner of the project, as determined and computed by this subdivision.

(Ord. No. 150, art. XI, § 1102, 9-11-89)

Sec. 58-248. Payments; not contract obligations.

Payments as provided in this section shall not be considered as contract obligations of the township, and payments or participation in construction costs are contingent on funds being available at the time of application, and at time of payment. No payment shall be made without final approval by the township board.

(Ord. No. 150, art. XI, § 1103, 9-11-89; Ord. of 7-24-95)

Sec. 58-249. Filing for funds.

- (a) *Owner application.* Owners requesting contributions shall make application for funds either at the time the petition is filed for construction of a sanitary sewer main within a SAD area or at such time as a plat is presented to the township for tentative approval. The filing of a petition for a SAD area shall automatically be an application for funds.
- (b) *Review by township; tentative commitment.* The township shall review and make a tentative commitment for contribution at the hearing of necessity (or if there is no hearing of necessity on the confirmation of the township roll) for SAD areas, and after engineering drawings are submitted by the developer, and a report is submitted to the township board by the township engineer, for all new plats.
- (c) *Payment of funds.* Payment of funds shall be made at such time as construction is completed and approved for SAD areas, and at such time as the plat is finally approved by the township board.

(Ord. No. 150, art. XI, § 1104, 9-11-89)

Sec. 58-250. Determination of average cost for construction.

The township's average cost for construction shall be determined from time to time by resolution of the township board.

(Ord. No. 150, art. XI, § 1105, 9-11-89)

Sec. 58-251. Additional costs for sewers requiring extra depth.

If the township requires the developer-owner of any parcel, lot, plat or SAD area to construct the sewer at an average depth in excess of the township average depth, in order to properly serve and interconnect with future sanitary sewer installation of upstream property, and in any event the average cost of construction exceeds the township average cost; then the township shall contribute an amount equal to the excess of the cost of construction over the township average cost, less any contribution made for pipe size under section 58-252(1).

(Ord. No. 150, art. XI, § 1106, 9-11-89)

Sec. 58-252. Costs for pipe.

If the township requires the developer-owner of any plat, or of any SAD area, to construct the sanitary sewer with a pipe size in excess of the township average pipe size and that increase in size is required in order to properly serve and interconnect with future sanitary sewer lines of upstream property, according to the township engineer:

- (1) The township will contribute an amount equal to the actual excess of cost between the pipe required over the cost of township average pipe size.
- (2) The township will contribute an amount equal to the excess of the cost of construction over and above the township average cost, less any amount paid or determined for an increase for cost of pipe as provided in this section.
- (3) If the owner-developer receives payment or contributions for installation of pipe for both depth and size, the amounts may be computed separately. However, in no event shall such increase in cost be added more than one time.

(Ord. No. 150, art. XI, § 1107, 9-11-89)

Sec. 58-253. Determination of costs of pipe construction.

The determination of the cost of construction of the pipe shall be by competitive open market bidding, or by agreement between the developer-owner and the township engineer. If they are unable to reach an agreement, the township engineer's estimate shall be controlling.

(Ord. No. 150, art. XI, § 1108, 9-11-89)

Sec. 58-254. Owner-developer not to have interests in upstream properties; affidavits may be required.

If the owner of a development is required to use larger pipe, or to construct at a greater depth, he is entitled to township contribution only if such construction is required to later serve upstream properties not owned by developer. The township recognizes the difficulty and problems in determining ownership of upstream property, and it is the intent of the township that the owner-developer receiving the contribution shall not directly or indirectly own or have an interest in upstream properties or shall have plans for purchasing or developing upstream properties and thus obtain a benefit which is unintended by the township. Consequently, the township reserves the right to require affidavits of any owner-developer that he does not have any interest or ownership in upstream property or any plans for developing or purchasing such property prior to receipt of any payment or participation in any specific project.

(Ord. No. 150, art. XI, § 1109, 9-11-89)

Secs. 58-255--58-265. Reserved.

Subdivision IV. Installation of Shallow Sewers

Sec. 58-266. Construction; installation of grinder pumps.

If a SAD is established for any part of the township, the township shall have the authority on recommendation of the township engineer to provide for construction of shallow sewers, to serve all customers within that district, and require that grinder pumps be installed as necessary for each sewer service.

- (1) Shallow systems with grinder pumps may be installed when the total cost of shallow sewer main construction, plus the cost of estimated number of grinder pumps to be installed is less than the total cost of installation of a deep sewer, including estimated cost of lift station and force line construction.
- (2) As part of the construction cost of shallow sewers the township shall transfer to the township sewer main fund that part of the cost as determined to be necessary to provide grinder pumps for customers within the district, which is included and assessed in the SAD.
- (3) The township shall provide a grinder pump for each customer, as required, without cost in each SAD, and if there are insufficient funds in the township sewer main fund, the township shall pay the cost out of the general funds of the township.

(Ord. No. 150, art. XII, § 1201, 9-11-89)

Sec. 58-267. New plats and developments.

The township shall have the authority on the recommendation of the township engineer to allow a developer-owner to install a shallow sanitary sewer, either wet or dry, in any new platted or developing area at his own expense, on condition that each lot or parcel within the plat or development to be serviced may require the installation of a grinder pump at such time as any building or other customer service or hook-up is required or completed to the sanitary sewer system.

(Ord. No. 150, art. XII, § 1202, 9-11-89)

Sec. 58-268. Assessments.

If the township determines to install a shallow sewer in any SAD, the township shall assess such property owner as follows:

- (1) The cost of construction on a front foot basis equal to the estimated cost of installation of a deep sewer, exclusive of any required lift stations and force line.
- (2) If the actual cost of installation of the shallow sewer, plus the estimated cost to provide necessary grinder pumps for installation in the SAD at a later date, is less than the total assessment collected in that SAD by more than five percent of the original assessment roll, then the surplus shall be prorated on among the properties assessed in accordance with the amount assessed against each and applied toward the payment of the next township tax levied against such properties respectively, or, if there is no such tax, it shall be refunded to the persons who are the respective record owners of the properties on the date of the passage of the resolution ordering such refund.

(Ord. No. 150, art. XII, § 1203, 9-11-89)

Sec. 58-269. Grinder pumps.

- (a) *Installation; location; ownership; maintenance and repair.* The township shall control the installation and location of all grinder pumps, and shall remain the owner of the pumps, and be responsible for all maintenance, repair and replacement of the pumps, so long as sewer service is provided for that customer.
- (b) *Supply; payment for costs of installation for SAD customers.* The township shall supply grinder pumps to each customer, as required, located within a SAD at such time as the sanitary sewer service is requested, without charge. The cost of installation shall be paid by the customer.
- (c) *Other customers; costs.* All other customers not included in a SAD shall pay the cost of each grinder pump, as requested, at the time of the request, plus pay the cost of installation.

(Ord. No. 150, art. XII, § 1204, 9-11-89)

Sec. 58-270. Payment of electrical expenses for operation of pumps.

All utility expense--electrical expense of operating each grinder pump shall be paid for and provided by the customer or owner.

(Ord. No. 150, art. XII, § 1205, 9-11-89)

Sec. 58-271. Customer choices of installation.

If any customer may be hooked up by service to the sanitary sewer main, either by installation of a gravity flow line from the ground or first floor level to the sewer main, or by use of a grinder pump from the basement floor level, the customer or owner requesting service shall have the option to choose either installation.

(Ord. No. 150, art. XII, § 1206, 9-11-89)

Secs. 58-272--58-280. Reserved.

DIVISION 7. CHARGES AND FEES*

*Cross references: Sewer charges, app. B.

Subdivision I. In General

Sec. 58-281. Established by township board.

The rates charged for the use of the sewage disposal system, charges and surcharges for the use of the sewage works, all penalties, fees for monitoring, inspection and surveillance procedures, fees for misapplication and fees for filing appeals, as provided in this article, or for

reviewing accidental discharge procedures and construction, and any other fees authorized by this article shall be established by the township board by resolution of the board from time to time and shall be sufficient to provide for the payment of the expenses of administration, operation and maintenance of such sewage disposal system, and the expenses necessary to preserve the same in good repair and working order, and to meet all contractual obligations of the township entered into for the benefit of the sewage disposal system. Such rates may be revised from time to time by the township board.

(Ord. No. 150, art. IX, § 901, 9-11-89)

Sec. 58-282. Payments system.

All premises connected directly or indirectly to the sanitary sewers of the township, except as provided in this section, shall be charged and shall make quarterly payments to the township in amounts computed on the basis of this division; provided, however, that the premises within the Allendale Area System shall make such payments for all charges including debts retirement charges, O, M & R charges, and surcharges directly to Allendale Township, or the O.C.P.U.S.

(Ord. No. 150, art. IX, § 902, 9-11-89)

Sec. 58-283. Rates for service to Allendale Area System.

Rates to be charged for services furnished by the Allendale Area System shall be established by Allendale Township or the county, as may be determined by agreement between Allendale Township and the county from time to time, and shall be equal to the rates charged by the Allendale Area System to residents or users of such sewer services in Allendale Township. The township shall adopt the rates and charges as established for the Allendale Area System from time to time as may be necessary.

(Ord. No. 150, art. IX, § 903, 9-11-89)

Sec. 58-284. Computation of sewer use charges.

Sewer user charges shall be computed on the basis of billable sewage flow as hereinafter provided. Residential users shall be charged on the basis of actual recorded user water meter readings for the first and fourth quarters of a calendar year; second and third quarter charges shall be based on the average of the previous first and fourth quarter billings. Other user classes shall be charged on the basis of actual recorded user water meter readings for each quarter, less actual metered amounts of sprinkling and/or nonprocess, nonsewage generating uses.

(Ord. No. 150, art. IX, § 904, 9-11-89)

Sec. 58-285. Miscellaneous services; special rates.

For miscellaneous services or where a premises receives sewer service for which a special rate shall be established, such rates may be fixed by the township by resolution.

(Ord. No. 150, art. IX, § 905, 9-11-89)

Sec. 58-286. Adjustment of user charges; based on audit review.

The township shall have the right to adjust the sewer user charges based on an audit review of each subsystem's costs. Such an audit review shall be conducted annually by the township and shall incorporate audit reviews of the O.C.P.U.S. and the City of Grandville. The township shall have the right to amend such charges by resolution. The resolution shall have the full force and effect of this division.

(Ord. No. 150, art. IX, § 906, 9-11-89)

Sec. 58-287. User classes.

All customers of the system shall be included in a user class, and each user class will pay for its proportionate use of the system in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement) and debt retirement of the system. The classes of users of the system, for the purpose of determining the user charges, shall be as described in this division.

(Ord. No. 150, art. IX, § 907, 9-11-89)

Sec. 58-288. Normal strength sewage dischargers.

Each industrial user that discharges process wastewater which does not exceed the limits of normal strength sewage shall be charged and shall make payments in amounts based on actual waste volumes originating from the user and as provided in this division.

(Ord. No. 150, art. IX, § 908, 9-11-89)

Sec. 58-289. Above normal strength sewage users.

Each user that proposes to discharge wastewater to the system which exceeds the limits of normal strength sewage will be required to either:

- (1) Provide satisfactory pretreatment to reduce the strength of the wastewater to normal strength sewage or compatible levels; or
- (2) Pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to normal strength sewage.

(Ord. No. 150, art. IX, § 909, 9-11-89)

Sec. 58-290. Connection; service stub charges.

In addition to the established charges for sewage disposal services, a charge shall be made by the township for connection to the sewer and for service stubs, as provided by the township, and the township shall make an additional assessment on a front foot basis against each parcel of property abutting the sewer mains constructed by the township funds for which the owner was not paid his proportionate share for such construction through a special assessment district, or through other charges or assessments.

(Ord. No. 150, art. IX, § 910, 9-11-89)

Sec. 58-291. Effluent surcharges for nondomestic users; testing.

All nondomestic users of the township sewage works shall pay a surcharge for effluent containing compatible pollutants listed in the orders of determination and as established by the resolution of the township board. Nondomestic users shall be required to take samples of the effluent at least once a week or more frequently if deemed necessary by the director and shall submit a report of the samples and their analyses to the director on a monthly basis. The director shall have the right to split the samples taken or to have samples taken by an independent company qualified to make such tests at the expense of the user.

(Ord. No. 150, art. IX, § 911, 9-11-89)

Sec. 58-292. Testing procedures for establishing surcharges.

The director shall collect three composite or grab samples from a designated sampling point once each billing period and base the surcharge cost upon such samples. If the user cannot agree with the sampling method of the director, the director may agree to an independent company taking such samples, at the user's expense, under such conditions and standards as determined by the director. The surcharge shall be calculated and billed quarterly by the township. No township or O.C.P.U.S. employee or official shall be involved directly or indirectly in any independent company performing any tests on any samples where such tests are to be used by the director.

(Ord. No. 150, art. IX, § 912, 9-11-89)

Sec. 58-293. Penalty payments; not to constitute compliance with orders of determination.

In addition to surcharges, penalties shall be determined by the township. Payment of penalties does not constitute compliance with the orders of determination. In addition to such penalties, continued, habitual or gross violations or those caused by negligence or failure to install and operate proper pretreatment facilities will be enforced under division 2 of this article.

(Ord. No. 150, art. IX, § 913, 9-11-89)

Sec. 58-294. Additional remedies for nonpayment of surcharges.

Whenever any person shall become delinquent in the payment of any surcharge, the township may sue in an appropriate court of law to collect the amount so due. In addition, the township shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of any surcharge.

(Ord. No. 150, art. IX, § 914, 9-11-89)

Secs. 58-295--58-305. Reserved.

Subdivision II. Sewer Connection Charges*

***Cross references:** Sewer connection equivalency table, app. B.

Sec. 58-306. Rush Creek Area System--Trunkage connection fee.

Owners of the premises within the area of the township presently served by the Rush Creek Area System, and owners of the premises within any area within the township which is hereafter served by the Rush Creek Area System shall pay a trunkage connection fee for connection to the Rush Creek Area System in amounts as determined and established from time to time by resolution of the township board, payable in case at the time of the application for the connection or building permit or in installments, as directed by the township board.

(Ord. No. 150, art. X, § 1001, 9-11-89; Ord. of 7-24-95)

Sec. 58-307. Same--Sewer main construction and installation costs; additional assessment; payment.

Owners of the premises within the area of the township presently served by the Rush Creek Area System, or which shall thereafter be served by direct connection to the existing Rush Creek Area System, for which the owner of such premises has not paid the proportionate share for the construction and installation of the sewer main, either through a special assessment direct or other charges, shall pay an additional assessment which shall be made on the front foot basis for the such parcel abutting the sewer main, based on construction costs at such time as connection permit is applied for, as determined by the township, which shall be equal to the average installation costs of an eight-inch main, plus the cost of comparable stub installation. Such assessment shall be payable in ten equal annual installments with interest on the unpaid balance at a rate to be established from time to time by resolution of the township board, the first installment being paid on or before the request for service, and the second installment payable June 1 of the following year, and succeeding installments being payable on June 1 each year thereafter. Any such owner may discharge the obligation to pay such assessment by payment of the total assessment, without interest, in cash, 30 days from date of request for service, and prepayment of any such amount prepaid to the date of payment.

(Ord. No. 150, art. X, § 1002, 9-11-89)

Sec. 58-308. Same--Additional assessments; payment.

Owners of the premises of any lot or parcel within the Rush Creek Area System for which the owner has paid the proportionate share for the construction and installation of a sewer main either through a special assessment district or otherwise, and which lot has been improved and is interconnected with the township's sanitary sewer, who acquires or becomes owner of an adjacent parcel which has sanitary sewer construction and available for service, for which the owner or former owner has not paid the proportionate share for the construction and installation of the sewer main shall pay an additional assessment which shall be made on a front foot basis for such additional parcel abutting the sewer main, even though the additional parcel has no direct connection or service to the sewer main. The assessment cost shall be equal to and levied in the same manner as the assessment and levy for owner's premises to connect to a sewer main, for which the assessment was deferred, as set forth in section 58-307.

(Ord. No. 150, art. X, § 1003, 9-11-89)

Sec. 58-309. Interconnection of dry systems with public system; costs of construction and installation.

All dry sanitary sewer systems shall be interconnected with the public sanitary sewer system at such time as the public sanitary sewer system is constructed so as to be within reasonable distance of the dry sanitary sewer system, at which point as is practical to make such interconnection. The cost of the construction and installation of the sanitary sewer trunk main shall be satisfied (containing the dry sanitary sewer system), and the township, at the time of platting or from the deposit made by the proprietor at such time, all pursuant to the township subdivision control ordinance.

(Ord. No. 150, art. X, § 1004, 9-11-89)

Sec. 58-310. Exemption of lots assessed according to sections 58-307 and 58-308.

Any lot or parcel which has been once assessed on a front foot basis for sanitary sewer as set forth in sections 58-307 and 58-308 shall not become part of any special assessment district for the installation of sanitary sewer mains, even though such lot or parcel would normally and reasonably be included in such district.

(Ord. No. 150, art. X, § 1005, 9-11-89)

Sec. 58-311. Other improvements.

If any street improvement or other improvement is combined with the sanitary sewer improvement in a special assessment district, the cost of any other improvements shall be separated from the cost of the sanitary sewer improvement assessed against such lot or parcel in the normal manner.

(Ord. No. 150, art. X, § 1006, 9-11-89)

Sec. 58-312. Contributions by township to special assessment districts for construction and installation costs.

The township shall contribute from capital surplus funds of the sewer department any other available township funds, to any special assessment district hereinafter established for the construction and installation of sanitary sewer mains or lines, which district would normally include any lots or parcels that are expected, an amount which would have been assessed against such expected or parcels had they been included in such district; so as to provide that the lots or parcels in the special assessment district will neither gain nor be penalized because of exclusion of certain lots from the district.

(Ord. No. 150, art. X, § 1007, 9-11-89)

Sec. 58-313. Allendale Area System--Sewer main construction and installation costs; additional assessment; payment.

Owners of the premises within the area of the township presently served by the Allendale Area System, or which shall hereafter be served by direct connection to the existing Allendale Area System, for which the owner of the premises has not paid the proportionate share for the construction and installation of the sewer main, either through a special assessment district or other charges, shall pay an additional assessment which shall be made in accordance with the Allendale and Georgetown Water and Sewer Operation and Maintenance Contract, dated March 2, 1981, as may be amended from time to time. Such assessment or cost shall be payable in a manner as established by the contract.

(Ord. No. 150, art. X, § 1008, 9-11-89)

Sec. 58-314. Same--Trunkage connection fee.

Owners of the premises within the area of the township presently served by the Allendale Area System, and owners of the premises within any area within the township which is hereafter served by the Allendale Area System, shall pay a trunkage connection fee for connection to the Allendale Area System in amounts as determined in accordance with the Allendale and Georgetown Water and Sewer Operation and Maintenance Contract, dated March 2, 1981, as may be amended from time to time. Such assessment or cost shall be payable in a manner as established by the contract.

(Ord. No. 150, art. X, § 1009, 9-11-89)

Secs. 58-315--58-325. Reserved.

Subdivision III. Unit Charge

Sec. 58-326. Computation.

The number of units to be assigned to any particular building on the premises used for other than single residence purposes shall be computed on the basis of the sewage residential equivalence table. No less than one unit shall be assigned to each building, but for purposes of computing the trunkage connection fee, units in excess of one may be computed and assigned to the nearest tenth. Once any building has been connected to the system and has been assigned to one or more units, subsequent changes in the character of the use or type of occupancy and the building (including destruction, removal or abandonment of any or all improvements thereon) shall not be refunded. If subsequent changes at any time increase the amount of sanitary sewage emanating from the building, the township board shall increase the number of units assigned to the building and thereupon a trunkage connection fee in an amount equal to the trunkage connection fee per unit shall be charged by the township for the new connection. It shall be payable in cash at the time a construction permit is issued, or at time of use if no such permit is issued or required, as directed by the township board.

(Ord. No. 150, art. XIII, § 1301, 9-11-89; Ord. of 7-24-95)

Sec. 58-327. Reevaluation of charge.

If additional building space or structure is added to any building, the use of the entire building shall be reevaluated, and the township board shall assign a new unit charge for the

entire building. If such charge is greater than the previous unit charge paid, the additional trunkage fee shall be charged by the township.

(Ord. No. 150, art. XIII, § 1302, 9-11-89)

Secs. 58-328--58-340. Reserved.

Subdivision IV. Interest and Tax Provisions for Unpaid Charges

Sec. 58-341. Due date of quarterly bills; penalty; notice of discontinuance of service.

Quarterly bills shall become due and payable within 23 days from the date thereof, and to all bills not paid by due date, a ten percent penalty shall be added. Five days after the due date, a card stating that the sewage services are past due shall be mailed to the respective owner or occupant. If the bill has not been paid within ten days thereafter, a notice shall be sent to the owner or occupant stating that, unless the bill is paid within 72 hours, the sewage service will be discontinued.

(Ord. No. 150, art. XIV, § 1401, 9-11-89; Ord. of 7-24-95)

Sec. 58-342. Lien established; collection; enforcement.

Charges for sewage disposal services furnished by the system to any premises and the trunkage connection fee and service stub charge installations pertaining to any premises shall be a lien thereon as of the due date thereof, and on September 1 of each year the township treasurer may certify any such charges and installations which have been delinquent 90 days or more, plus penalties and interest accrued thereon, plus an additional amount of six percent of the aggregate amount, to the township board who shall cause the same to be entered upon the next township and county tax roll against the premises to which such services shall have been rendered and against which such trunkage connection fee and service stub charge has been placed. The unpaid charges and unpaid fees, with penalties and interest accrued thereon, shall be collected, and the lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

(Ord. No. 150, art. XIV, § 1402, 9-11-89)

Secs. 58-343--58-355. Reserved.

Subdivision V. Appeals

Sec. 58-356. Right to appeal charges.

Any customer has the right to appeal the basis for any charges developed in accordance with this article. Appeals shall be directed to the township clerk in writing along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal as directed by the township clerk shall be obtained by the customer at his expense.

(Ord. No. 150, art. XV, § 1501, 9-11-89)

Sec. 58-357. Review; determination.

The appeal and supporting documents shall be presented to the township sewer-water committee, who shall review and make a determination within 60 days after receipt by the township clerk. A copy of the determination of the appeal shall be mailed to the customer at his address as shown on the appeal within five days from the date of determination.

(Ord. No. 150, art. XV, § 1502, 9-11-89)

Sec. 58-358. Appeal from committee determination to township board; resolution.

If the customer is not satisfied with the determination as made by the committee, such customer shall have the right, by written request by the township clerk, to have his appeal and any additional supporting data as he may request, submitted to the township board for further resolution. On receipt of such request, the township clerk shall resubmit the appeal and supporting data to the township board, and the board shall make a resolution on the matter within 30 days from receipt of the request.

(Ord. No. 150, art. XV, § 1503, 9-11-89)

Sec. 58-359. Basis of resolution.

All resolutions on the appeal shall be in accordance with the best available data and the formations presented in this division. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force by this division.

(Ord. No. 150, art. XV, § 1504, 9-11-89)

Sec. 58-360. Outstanding bills due and payable during appeal.

All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the township may adjust the charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters' billings only.

(Ord. No. 150, art. XV, § 1505, 9-11-89)

Sec. 58-361. Fees.

Fees for the appeals process shall be established by the township board.

(Ord. No. 150, art. XV, § 1506, 9-11-89)