

DEXTER TOWNSHIP ORDINANCE NUMBER 25

MULTI-LAKES SEWER USE AND SEWAGE DISPOSAL ORDINANCE

ADOPTED: NOVEMBER 21, 1995

ORDINANCE ENACTED PURSUANT TO THE AUTHORITY OF ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, ACT 191 OF THE PUBLIC ACTS OF 1939, AS AMENDED, ACT 233 OF THE PUBLIC ACTS OF 1955, AS AMENDED, AND ACT 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED, BY DEXTER TOWNSHIP TO REGULATE PRIVATE AND PUBLIC SEWERS, SEWER CONNECTIONS, INDUSTRIAL WASTE PRETREATMENT FACILITIES AND DISCHARGE OF INDUSTRIAL WASTE INTO THE MULTI LAKES WATER AND SEWER AUTHORITY PUBLICLY-OPERATED TREATMENT WORKS AND TO PROVIDE FOR POLLUTANT LIMITATIONS, DATA COLLECTION, MONITORING AND SAMPLING AND TO PRESERVE, PROMOTE AND PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PERSONS AND PROPERTY WITHIN DEXTER TOWNSHIP; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES AND REMEDIES FOR THE VIOLATION HEREOF.

THE TOWNSHIP OF DEXTER, COUNTY OF WASHTENAW, STATE OF MICHIGAN, ORDAINS:

SECTION I

1. **TITLE.** This Ordinance shall be known and cited as the Multi-Lakes Sewer Use and Sewage Disposal Ordinance and it shall be sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

SECTION II

1. **PURPOSE.** The objectives of this Ordinance are: to prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge; to prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; to improve the opportunity to recycle and reclaim wastewater and sludge from the system.

SECTION III

1. **DEFINITIONS.** Unless the context specifically indicates otherwise, the following abbreviations, terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.
 - 3.1 **Act or "the Act".** The Federal Water Pollution Control act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
 - 3.2 **Applicable County Health Department.** The Washtenaw county Health Department.
 - 3.3 **Authority.** The Multi Lakes Water and Sewer Authority.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.4 Authorized Representative of Industrial User. An authorized representative of an Industrial User may be:
- A. A principal executive officer of at least the level of vice--president, if the Industrial User is a corporation;
 - B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
 - C. A duly authorized representative of the individual designated above if user representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- 3.5 Biochemical Oxygen Demand. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter).
- 3.6 BOD. Biochemical Oxygen Demand.
- 3.7 Building Drain. That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- 3.8 Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
- 3.9 CFR. Code of Federal Regulations
- 3.10 Chemical Oxygen Demand. A measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.
- 3.11 COD. Chemical Oxygen Demand
- 3.12 Combined Sewer. A sewer receiving both surface runoff and sewage.
- 3.13 Commercial User. An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in commercial enterprise, business or service which, based on a determination by the Authority discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.
- 3.14 Commercial Waste. A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods and services.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.15 Compatible Pollutants. 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 Groundwater Discharge Permit if the publicly owned treatment works was designed to treat such pollutants, and if fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.
- 3.16 Composite Sample. A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.
- 3.17 Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- 3.18 Debt Service Charge. Charges levied to customers of the wastewater system which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction of the wastewater system
- 3.19 Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the state.
- 3.20 Environmental Protection Agency. The U.S. Environmental Protection Agency, Administrator or other duly authorized official.
- 3.21 EPA. Environmental Protection Agency
- 3.22 Equivalent Residential Unit. Shall mean a single housekeeping unit or each unit of a multiunit structure, which unit shall be a common unit for living and sleeping purposes and having a separate bathroom and kitchen facility.
- 3.22A ERU. Equivalent Residential Unit
- 3.23 Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- 3.24 Governmental User. Any federal, state or local government user of the wastewater treatment works.
- 3.25 Grab Sample. 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.
- 3.26 Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 3.27 Incompatible Pollutants. Any pollutant which is not a compatible pollutant.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.28 Indirect Discharge. The discharge or the introduction of nondomestic pollutant into the POTW (including holding tank waste discharged into the system).
- 3.29 Industrial User. A user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with this characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.
- 3.30 Industrial Wastes. The wastewater discharges from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with this characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences. Notwithstanding other provisions in these Ordinance, unless specifically permitted by action of the Authority Board, no industrial wastes or process wastewater will be permitted to be discharged to the system.
- 3.31 Institutional User. Any establishment listed in the SICM involved in social, charitable, religious, or educations function which discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- 3.32 Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Authority's Groundwater Discharge Permit, reduces the efficiency of the POTW, or prevents the use of disposal of sewage sludge generated by the POTW.
- 3.33 Laboratory Determination. 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 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, or in accordance with any other method prescribed by the Ordinance promulgated pursuant to law.
- 3.34 mg/l. Milligrams per liter.
- 3.35 Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- 3.36 New Source. Any source, the construction of which is commenced after the adoption of this Ordinance.
- 3.37 Normal Domestic Sewage. Wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; nor 200 mg/l of suspended solids; nor more than 6 mg/l of phosphorus; nor more than 40 mg/l of total Kjeldahl nitrogen.
- 3.38 NPDES. National Pollutant Discharge Elimination System
- 3.39 O&M. Operation and Maintenance.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.40 Operation and Maintenance. All work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the Authority's Groundwater Discharge Permit and other applicable state and federal regulations, and includes the cost of replacement.
- 3.41 Owner. Owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rests, receiver, executor, trustee, lessee, or other person, firm or corporation in control of the building.
- 3.42 Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns, the Masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 3.43 pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- 3.44 Pollutant. Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive material, heat, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.
- 3.45 Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- 3.46 POTW. Publicly Owned Treatment Works.
- 3.47 POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 3.48 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or 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 a POTW. 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 Section 403.6(d).
- 3.49 Pretreatment Requirements. Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW.
- 3.50 Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.
- 3.51 Publicly Owned Treatment Works. A treatment works as defined by section 212 o the Act (22 U.S.C. 1292), which is owned in this instance by

DEXTER TOWNSHIP ORDINANCE NUMBER 25

the Washtenaw County Department of Public Works. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposed of this Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTQ from persons outside the township or outside the sewer service area who are, by contract or agreement with the Authority, users of the Authority's POTW.

- 3.52 Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 3.53 Replacement. The replacement in whole or in art of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater in accordance with the Authority's Groundwater Discharge Permit and other applicable state and federal regulations.
- 3.54 Residential User. A user of the treatment works whose premises or buildings are sued primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings. Bed and breakfasts, motels, rooming houses or other transient lodging is not included, but is considered commercial.
- 3.55 Sanitary Sewage. A liquid or water-carried waste discharged from the sanitary conveniences of dwellings including but not limited to residential homes, apartment houses and hotels, office buildings, commercial businesses or industrial plants.
- 3.56 Sanitary sewer. A sewer which carries sanitary sewage and to which storm, surface and groundwater are not to be intentionally admitted.
- 3.57 Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- 3.58 Sewage Treatment Plant or Wastewater Treatment Plant. Any arrangement of devices and structures used for treating sewage.
- 3.59 Sewage Works. All facilities for collecting pumping, treating and disposing of sewage.
- 3.60 Sewer. A pipe or conduit for carrying sewage.
- 3.61 Sewer Service Charge. The sum of the applicable user charge, surcharges and debt service charges.
- 3.62 Sewer Service District. Shall be the area defined by the Township for sewer service, which initially is the area defined in Dexter and Lyndon Township Special Assessment proceedings of 1994, and such additional area as may be designated by the Township in which sewer and/or water service is permitted by the Township to be furnished from the Authority.
- 3.63 Shall is mandatory; May is permissive.
- 3.64 SIC. Standard Industrial Classification.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.65 SICM. Standard Industrial Classification Manual
- 3.66 Significant Industrial User. Any Industrial User of the Authority's wastewater disposal system who
- A. Has a discharge flow of 25,000 gallons or more per average work day; or
 - B. Has a flow greater than 5% of the flow of the Authority's wastewater treatment system; or
 - C. Has in its wastes toxic pollutants as defined pursuant to section 307 of the Act State Statutes and rules; or
 - D. Is found by the Authority, Michigan Department of Natural Resources, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.
- 3.67 Slug Load. Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.
- 3.68 Standard Industrial Classification. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- 3.69 State. State of Michigan.
- 3.70 Storm Sewer or Storm Drain. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- 3.71 Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 3.72 Superintendent. The person designated by the Authority to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized representative.
- 3.73 Surcharge. As part of the service charge, any customer discharging wastewater having strength in excess of limits set forth by the Authority who may be required to pay an additional charge to cover the cost of treatment of such excess strength wastewater.
- 3.74 Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- 3.75 Township. The Township of Dexter or Lyndon, Washtenaw County, Michigan.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 3.76 Toxic Pollutant. 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 Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- 3.77 Uncontaminated Industrial Waste. Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and which no chemical or other substance has been added.
- 3.78 User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
- 3.79 User Charge. A charge levied on users of a treatment works for the cost of operation and maintenance of sewerage works and includes the cost of replacement.
- 3.80 User Class. The kind of user connected to sanitary sewers including but not limited to residential, industrial, commercial, institutional and governmental.
- 3.81 Violation Surcharge. A charge levied on the properties of the Sewer District from which sewage is produced but not connected to the public sewer, within the time limits or under the conditions as provided herein and in accordance with the notice issued by the Superintendent. The amount of the violation surcharges shall be equal to the monthly O & M charge, unless provided otherwise by resolution to the Authority Board.
- 3.82 Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water than may be present whether treated or untreated, which is contributed into permitted to enter the POTW.
- 3.83 Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
- 3.84 Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, drainage systems and all other bodies of 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 thereof.
- 3.85 Wetland. Lands characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances support wetland vegetation or aquatic life and are commonly referred to as bogs, swamps, marshes, and wet meadows.

SECTION IV

1. UNSANITARY DEPOSITS, DISCHARGE TO NATURAL OUTLETS PROHIBITED, WETLAND PROTECTION.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 4.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Sewer Service District, or in any area under the jurisdiction of said Authority, any human excrement, garbage or other objectionable waste.
- 4.2 Within the Sewer Service District, it shall be unlawful to construct or maintain any privy, privy vault, septic tanks, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the applicable county health department.
- 4.3 The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Township within the district defined for sewage service by the Authority is hereby required at his expense to install suitable sewage facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so.
 - 4.3.1 The official notice described in section 4.3 shall be a written statement signed by the Superintendent or other designated employee of the Authority to the owner stating the date by which connection to the public sewer shall be made. The notice shall describe the house, building, or property. The notice shall be delivered to the owner at the address set forth on the last assessment roll by regular U.S. mail deposited with fully prepaid U.S. postage affixed thereto in the U.S. mails. The notice shall be considered served for purposes of any subsequent proceedings as of the date of the mailing.
 - 4.3.2 The official notice shall be accompanied by a connection application form. The owner shall complete and return the application form before any work upon the building sewer or connection is commenced. All work on the building sewer and connection shall be done in accordance with Section 7.0 of this Ordinance.
 - 4.3.3 Upon receipt of such notice, the owner shall apply for and obtain a permit from the County Building Inspector, or such inspector's successor, under the authority of P.A. 230 of 1972, as amended, and complete construction and inspection as required by said Act, this Ordinance, the Township Zoning Ordinance, and other applicable statutes, ordinances, and regulations.
 - 4.3.4 If the owner fails to complete construction, connection and inspection as required above, the Township or the Authority shall proceed to enforce this Ordinance and other applicable statutes, ordinances, and regulations in accordance with P.A. 368 of 1978, as amended, and all other applicable Acts, statutes, ordinances, and regulations.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 4.4 It shall be unlawful for any person to conduct regulated activities in any wetland area within the Sewer Service District without a permit from the Michigan Department of Natural Resources for regulated wetlands or a review and approval by the Township at the time of issuing a zoning permit for non-regulated wetlands.
- 4.5 Activities that may be regulated in a wetland under section 4.0 include the following, but are not limited to:
 - 4.5.1 Depositing or permitting the depositing of any material including but not limited to hazardous chemicals, non-biodegradable aquatic pesticides and herbicides, and harmful fertilizers.
 - 4.5.2 Dredging, removing or permitting the dredging or removal of material or minerals.
 - 4.5.3 Erecting or building any structure including but not limited to buildings, roadways, bridges of any type, tennis courts, paving, utility, or private poles, or towers.
 - 4.5.4 Constructing, operating or maintaining any land use or development.
 - 4.5.5 Constructing, placing, enlarging, extending, or removing any temporary, seasonal, or permanent operation or structure upon wetlands, except seasonal docks, rafts, diving platforms, and other water recreational devices.
 - 4.5.6 Constructing, extending, enlarging, or connecting any conduit, pipe, culvert, or open or closed drainage facility carrying storm water runoff from any site, within a wetlands area, or any other land use permitting discharge of silt, sediment, organic or inorganic material, chemicals, fertilizers, flammable liquids, or other polluting substances except in accordance with requirements of County, State, Federal agencies, and the Township.
- 4.6 Activities by a governmental entity relating to the construction, maintenance or repair of a public highway, street, roadway, sewer system, drainage system, or water main facility are exempt from the requirements of Section 4.4 and 4.5, except as required by state law.

SECTION V

1. PROCESS WASTEWATER

- 5.1 Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream within the Sewer Service District shall file the material listed below with the Superintendent. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the material listed below.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

The Superintendent may require each person who applies for and receives sewer service, or who through the nature of an enterprise, creates a potential environmental problem within the Sewer Service District, to file the material listed below on a disclosure form prescribed by the Authority.

- 5.1.1 Name, address and location (if different from the address)
- 5.1.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget. 1972, as amended.
- 5.1.3 Wastewater constituents and characteristics including but not limited to those mentioned in “Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:
 - 5.1.3.1 “Standard Methods for the Examination of Water and Wastewater,” American Public Health Association, current edition.
 - 5.1.3.2 “Manual of Methods for Chemical Analysis of Water and Wastes,” United States Environmental Protection Agency, current edition.
 - 5.1.3.3 “Annual Book of Standards, Part 131, Water Atmospheric Analysis,” American Society of Testing Materials, current edition.
- 5.1.4 Time and duration of contribution
- 5.1.5 Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any
- 5.1.6 Industries identified as significant industries or those required by the Authority must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- 5.1.7 Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- 5.1.8 Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, State, or Federal pretreatment Standard, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and Maintenance and/or additional pretreatment is required by the industrial User to meet applicable Pretreatment Standards.
- 5.1.9 If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established

DEXTER TOWNSHIP ORDINANCE NUMBER 25

for the applicable Pretreatment Standard. The following conditions shall apply to this schedule.

- 5.1.9.1 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.
- 5.1.9.2 No increment referred to in paragraph 5.1.9.1 shall exceed 9 month.
- 5.1.9.3 Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent 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 9 months elapse between such progress reports to the Superintendent.
- 5.1.10 Each product produced by type, amount, process or processes and rate of production
- 5.1.11 Type and amount of raw materials processed, average and maximum per day
- 5.1.12 Number and type of employees, hours of operation of plant and proposed actual hours of operation of pretreatment system
- 5.1.13 Any other information as may be deemed by the Authority to be necessary to evaluate the impact of discharge to the POTW.
- 5.1.14 The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer.
- 5.1.15 The Authority will evaluate complete disclosure form and data furnished and may require additional information. Within 90 days after full evaluation and acceptance of the data furnished, the Authority shall notify the User of the acceptance thereof.
- 5.1.16 Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Authority.

The Authority may:

- 5.2.1 Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW.
- 5.2.2 Limit the average and maximum wastewater constituents and characteristics;

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 5.2.3 Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;
 - 5.2.4 Require the installation and maintenance of inspection and sampling facilities;
 - 5.2.5 Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - 5.2.6 Require submission of technical reports or discharge reports;
 - 5.2.7 Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the Authority, and affording Authority access thereto, and copying thereof;
 - 5.2.8 Require notification of the Authority for any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - 5.2.9 Require notification of slug discharges;
 - 5.2.10 Require other conditions as deemed appropriate by the Authority to ensure compliance with this Ordinance.
 - 5.2.11 Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
 - 5.2.12 Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.
- 5.3 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 POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent 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 facility which are limited by such Pretreatment Standards and/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 and Requirements. This statement will be signed by an authorized representative of the Industrial User, and certified to by a qualified representative.
- 5.4 Any User or New Source discharging into the POTW, shall submit to the Superintendent during the months of June and December, unless required

DEXTER TOWNSHIP ORDINANCE NUMBER 25

more frequently in Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards of this Ordinance. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 5.1.5 of this section. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

The Superintendent may also impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In it he shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

- 5.5 The Authority may require to be provided and operated at the User's own 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 Authority may, when such a location would be impractical or cause undue hardship on the User, 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 manholes 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 Authority and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Authority.
- 5.6 The Authority shall inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of the premises where wastewater is created or discharged shall allow the Authority or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The Authority, Michigan Department of Natural Resources and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operation. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Authority, Michigan

DEXTER TOWNSHIP ORDINANCE NUMBER 25

Department of Natural Resources and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- 5.7 Notwithstanding other provisions in this Ordinance, unless specifically permitted by action of the authority Board, no industrial wastes or process wastewater will be permitted to be discharged to the system. Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Pretreatment Standards within the time limitations as required by the Authority. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be approved by the Authority 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 Authority under the provisions of this Ordinance. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Michigan Department of Natural Resources upon request.

- 5.8 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 agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Authority 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 Ordinance, the Groundwater Discharge 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.

Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten-day notification is given to the User.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

Notwithstanding the above, any Federal and State Freedom of Information and Privacy Act shall regulate the release of all information.

SECTION VI

1. PRIVATE SEWAGE DISPOSAL.

- 6.1 Where a public sewer is not available under the provisions of Section 4.3, the building sewer shall be connected to an approved private sewage disposal system.
- 6.2 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Authority.
- 6.3 At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned in a manner approved by the County Health Department.
- 6.4 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

SECTION VII

1. BUILDING SEWER AND CONNECTIONS WITHIN SEWER SERVICE DISTRICT:

- 7.1 No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Superintendent and a prior inspection of the property to insure that all sewage from the property is plumbed into the building sewer. No building sewer shall be covered until after it has been inspected and approved by the Superintendent.
- 7.2 All cost and expense incident to the installation, connection and maintenance of the building sewer to the public sewer connection shall be borne by the Owner, including inspection and permit fees as shall be set by the Authority Board.
- 7.3 A separate and independent building sewer shall be provided for every building except where authorized by the Authority Board.
- 7.4 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
- 7.5 The building sewer shall be constructed of pipe with gasketed or solvent welded joints, Schedule 40 PVC, or as approved by the Superintendent. The Authority reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Superintendent.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 7.6 The size and slope of the building sewer shall be subject to approval by the Superintendent, but in no event shall the diameter be less than four (4) inches and the slope less than one-fourth (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.
- 7.7 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) 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 at uniform grade. The line shall be straight or laid with properly curved pipe and fittings. Changes in direction greater than forty-five (45°) degrees shall be provided with cleanouts accessible for cleaning. A clean-out shall be provided into the building sewer within three feet of the building wall.
- 7.8 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means approved by the Superintendent and discharged to the building sewer.
- 7.9 All joints and connections shall be made gastight and watertight. All joints shall be approved by the Superintendent and building sewer shall be air tested for tightness before being placed into service.
- 7.10 No sewer connection shall be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for treatment of BOD and suspended solids.

SECTION VIII

1. USE OF THE PUBLIC SEWERS.

- 8.1 No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to any other national, state, or local Pretreatment Standards or requirements. A User may not contribute industrial waste or wastewater containing the following substances to any POTW:
- 8.1.1 Any liquids, solids or gases which by reason of their nature and 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 POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 8.1.2 Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt, residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- 8.1.3 Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structure, equipment, or personnel of the POTW.
- 8.1.4 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 304(a) of the Act.
- 8.1.5 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.
- 8.1.6 Any substance which may cause the effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 8.1.7 Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- 8.1.8 Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 8.1.9 Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F).
- 8.1.10 Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 8.1.11 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- 8.1.12 Any wastewater which causes a hazard to human life or creates a public nuisance.
- 8.1.13 Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.
- 8.1.14 Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- 8.1.15 Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.
- 8.1.16 Any pumpage from holding tanks or septic tanks.
- 8.2 State requirements and limitations on discharges shall apply in cases where they are more stringent than Federal requirements and limitations or those in this Ordinance.
- 8.3 The Authority reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 2 of this Ordinance.
- 8.4 No user shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, heating or cooling water, water from gutters, downspouts, or geo-thermal water, or roof water to any sanitary sewer or sewer connection. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the Authority.
- 8.5 Storm water, groundwater and all other unpolluted drainage shall be discharged to surface water courses or to such sewers as are specifically designed as storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Michigan Water Resources Commission.
- 8.6 Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing 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 located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in

DEXTER TOWNSHIP ORDINANCE NUMBER 25

temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

- 8.7 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 8.8 Where necessary in the opinion of the Authority, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day BOD, suspended solids, phosphorus and total inorganic nitrogen to the concentrations given in 8.8.1, 8.8.2, 8.8.3 and 8.8.4 below; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.1, or to control the quantities and rates of discharge of such waters or wastes.
- 8.8.1 Five (5) day BOD greater than 200 parts per million by weight.
- 8.8.2 Containing more than 200 parts per million by weight of suspended solids.
- 8.8.3 Containing more than 6 parts per million by weight of phosphorus.
- 8.8.4 Containing more than 40 parts per million by weight of total inorganic nitrogen.
- 8.9 Where the strength of sewage from an industrial, commercial or institutional establishment exceeds
1. 200 parts per million of biochemical oxygen demand or
 2. 200 parts per million of weight of suspended solids or
 3. 6 parts per million by weight of phosphorus or
 4. 40 parts per million by weight of total inorganic nitrogen and

where such wastes are permitted to be discharged to the sewer system by the Authority, an added charge, as noted below, will be made against such establishment according to the strength of such wastes when so required by the Authority. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the Authority. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the Authority wastewater treatment plant.

Added charges shall be determined by the Authority. These charges shall be based on the cost of operation, maintenance, and equipment replacement for the sewage works.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 8.10 All measurements, test and analyses of the of the characteristics of water to which reference is made in subsection 8.1 and 8.8, shall be determined in accordance with the latest edition at the time of “Standard Methods for Examination of Water and Sewage,” and shall be determined at the control manhole provided for in subsection 5.6, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- 8.11 No User shall ever increase the use of process water or, in any way, attempt to dilute or discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Pretreatment Standards, or in any other pollutant-specific limitation developed by the Authority or State.
- 8.12 Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulate by this Ordinance. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner’s or user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. All required Users shall complete such a plan within 180 days after the adoption of this Ordinance and prior to connection to the POTS. If required by the Authority, a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user form the responsibility to modify the User’s facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- 8.12.1 Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the Superintendent 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 POTW, fish kills, groundwater contamination or any other damage to person or property; nor shall such notification relive the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

- 8.12.2 Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION IX

1. EXPANSION OF DISTRICT SURFACE. If the Board shall authorize the expansion of sewer service to additional lands, such lands shall be included in the district. All costs of extension of the sewer to new lands shall be paid by the owners of the additional lands, including the costs of expansion of the treatment plant, trunk lines, distribution lines, engineering costs, financial costs, and costs of construction and inspections.

SECTION X

1. PROTECTION FROM DAMAGE. No person without authorization shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works.

SECTION XI

1. POWER AND AUTHORITY OF INSPECTORS. The Superintendent or the Authority's other duly authorized employees or representatives acting as the Superintendent's duly authorized agent, bearing proper credentials and identification, shall be permitted to enter upon such properties as may be necessary for the purposes of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

SECTION XII

1. ENFORCEMENT.

12.1 The Authority may suspend the wastewater treatment services to any User which

- A. Fails to factually report the wastewater constituents and characteristics of its discharge;
- B. Fails to report significant changes in wastewater constituents or characteristics;
- C. Refuses reasonable access to the User's premises by representatives of the Authority for the purpose of inspection or monitoring; or
- D. Violates the conditions of this Ordinance, or any final judicial order entered with respect thereto.

12.2 Any person notified of a violation of this Ordinance shall immediately stop or eliminate the violation. In the event of a failure of the person to

DEXTER TOWNSHIP ORDINANCE NUMBER 25

comply voluntarily with the violation notice, the Authority shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any persons or property. The Authority may reinstate the wastewater treatment service upon proof of the elimination of the noncompliance and payment of a reconnect fee. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence. In addition to other fees, if a property has been removed from the system for violation of this Ordinance, in addition to other requirements, the property shall pay a reconnection fee, as established from time to time by the Authority Board, as a condition of reconnection.

12.3 If any user violates any other provision of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Township or Authority, the Township or Authority may commence an action for appropriate legal and/or equitable relief in Court.

12.4 If in the Opinion of the Superintendent there is a clear and present danger to persons or property, including imminent damage to the POTW system, caused or about to be caused by a sewer connection, the Superintendent is authorized to take all steps necessary to immediately sever the sewer connection from the POTW system, notwithstanding any other provision of this Ordinance. The Superintendent shall state the reason for the immediate severance of the sewer connection in writing and deliver by personal service, if possible, and by mail to the user, the Washtenaw County Department of Public Works, and the Authority Board, a copy of said statement. Such statement shall constitute a certification of a clear and present danger and/or imminent damage to the POTW system. If time and circumstances do not allow for the service of said notice, then the severance shall take place prior to or without such notice. The Superintendent's decision to immediately sever a sewer connection shall be effective until and unless restrained by order of the Authority Board or a Court of competent jurisdiction.

12.5 Administrative Appeals

12.5.1 Any user who wishes to appeal an enforcement action or administrative decision under the provisions of this Ordinance shall request a hearing before the Authority by filing with the Authority a Notice of Appeal specifying the grounds thereof, and payment of the appeal fee.

12.5.2 An appeal stays all proceedings in furtherance of the action appealed, except for discharges creating clear and present danger to persons, property or the POTW. The Authority shall fix a reasonable time for hearing of the appeal, give written notice thereof to the parties, and decide the appeal within a reasonable

DEXTER TOWNSHIP ORDINANCE NUMBER 25

time. At the hearing, the applicant may appear in person or by agent.

- 12.5.3 A concurring vote of a majority of the members of the Authority Board shall be necessary to reverse an administrative order, decision, or determination or to decide in favor of the applicant. The decision shall be in the form of a resolution containing a full record of its findings and determinations.

SECTION XIII

1. PENALTIES.

- 13.1 Any person found to be violating any provision of this Ordinance shall, upon conviction thereof, be guilty of a civil infraction or of a misdemeanor, and shall be fined the cost of prosecution and an amount not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days or both. Such fine and imprisonment are at the discretion of the court, for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense.
- 13.2 Any person violating any of the provisions of this Ordinance shall become liable to the Authority for any expense, loss or damage caused the Authority by reason of such violation.
- 13.3 Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be fined the cost of prosecution and an amount not exceeding five hundred dollars (\$500.00) for each violation or by imprisonment for not more than ninety (90) days, or by both.
- 13.4 Any person who shall continue to use a septic tank and field, private sewage disposal system, or continue, cause, create, or use any facility, land, structure, appurtenance or system in violation of this Ordinance, such septic field, tank, sewage disposal system, condition, use, structure or appurtenance is hereby declared to be a nuisance per se, which shall be abated by order of a Court of competent jurisdiction. The Township or Authority may commence an action for appropriate injunctive relief, including seeking a writ of abatement. The Township is authorized to collect for and on behalf of the Authority any of its costs, expenses, loss or damage in such an action caused by reason of any violation of this Ordinance.
- 13.5 Any person who violates any provision of this ordinance shall be liable to the Authority for a civil fine not to exceed \$500 in addition to other penalties provided herein. The civil fine assessed under this section shall

DEXTER TOWNSHIP ORDINANCE NUMBER 25

be distributed in accordance with Section 8379 of Public Act No. 236 of 1961, as amended.

SECTION XIV

1. **DISCHARGE OF WATER SOFTENER REGENERATION WATER.** Any person connecting to the wastewater treatment system is prohibited from discharging water softener regeneration water in the system. The Superintendent shall certify on the date of connection that each property from which water softener regeneration water is discharged shall dispose of such water in a manner allowed by law.

SECTION XV

1. **VARIANCES.** Any person, upon written application to the Authority within ninety (90) days from receipt of official notice to connect, who shows, in the case of the activity being conducted or operated, that compliance with Section 4.3 or Section 8 of this Ordinance would either be impossible or constitute an undue hardship because of time limitations, may be granted a variance by the Authority Board for a reasonable time, not to extend beyond 6 months from receipt of official notice to connect, at which date all variances shall terminate and after which date no new variances shall be granted. A variance shall not be granted under the provisions of this Section where a person applying therefore is causing a public nuisance or other injury to the general public, or is subject to a National Categorical Standard, and any such variances shown to have been granted under these circumstances shall be immediately terminated. Any variance granted under the provisions of this Section shall not be construed to relieve the person who shall receive it from any liability or penalties imposed by other law for the commission or maintenance of a nuisance.

SECTION XVI

1. **VALIDTY, SEVERABILITY, CONFLICT.**
 - 16.1 The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses or terms, or the application there of to any person firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in anyway affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.
 - 16.2 All laws and parts of law, all Ordinances, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Ordinance, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, Ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this Ordinance.

SECTION XVII

1. **RATES AND CHARGES FOR AUTHORITY SERVICE.**
 - 17.1 These rates for total sewer service charges are to be established by resolution of the Authority, which may be enacted apart from the

DEXTER TOWNSHIP ORDINANCE NUMBER 25

published ordinances as necessary to ensure sufficiency of revenues in meeting operation, maintenance and replacement costs, as well as debt service. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts. Such charges and rates shall be made against each lot, parcel of land or premises which may have any sewer connections to the sewer system, or which may otherwise discharge sewage or industrial waste, either directly or indirectly, into such system or any part thereof. Rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost. An annual audit shall be prepared.

- 17.2 The rates and charges for service furnished by such system shall be levied on the basis of the schedule of equivalent residential units adopted by the Authority, except as provided in this section for nonresidential users or in cases where the character of the sewage from a manufacturing or industrial plant, building or premises is such that additional burden is placed upon the system, the additional cost of treatment created thereby shall be and additional charge over the regular rates hereinafter set forth; or the Authority may if it deems it advisable, compel such manufacturing or industrial plant, building or premises, to treat such sewage in such manner as shall be specified by the Authority before discharging such sewage into the sewage disposal system.

The Authority may institute charges on nonresidential units based on metered water use. Meters shall be installed to Authority requirements and remain accessible for inspection and reading by an Authority representative. All cost of installing meters on the well supply of a nonresidential user and costs of reading, billing, and collecting monthly meter charges shall be borne by the nonresidential user. Monthly charges shall be based upon annualized water usage and adjusted from time to time to reflect the actual usage and all costs of treatment and collection.

- 17.3 The rates and fees shall include the following and be uniform for all users within the Sewer Service District except as otherwise provided herein:
- 17.3.1 Each user, upon application for a permit to connect to the POTW, shall pay a sewer service application fee as established by the Authority.
- 17.3.2 Operation, Maintenance, and Replacement Cost
- 17.3.3 A capital charge which shall be remitted by the Authority to Washtenaw County as necessary to reduce the debt obligation of the Township.
- 17.3.4 A Connection Charge shall be established for per equivalent residential unit for each connection made to the POTW and the amount charge shall be established from time to time hereafter by the Authority Board. A user that has been specially assessed for

DEXTER TOWNSHIP ORDINANCE NUMBER 25

capital cost of the POTW, including transport and treatment facilities, shall be deemed to have paid the connection charge. Connection charges collected by the Authority shall be remitted to Washtenaw County for purposes of reducing the debt obligation of the Township.

17.3.5 The Authority may also establish appropriate surcharges or fees to reimburse the Authority for the additional cost of operation and maintenance of the wastewater treatment works due to the violations of this Ordinance, or surcharges for extra strength wastewater discharged to the sewer.

The charges and fees for the services provided by the system shall be levied upon any industrial user which may have any sewer connections with the POTW. Such charges shall be based upon the quantity and quality of wastewater used thereon or therein.

17.3.6 When, in the opinion of the Superintendent, a user may store, use or otherwise have on the premises bulk chemicals, cleaning agents, or other materials which may interfere with the POTW and which may require protection from accidental discharge, the user shall pay a fee as established by the Authority. Said fee shall be paid at the time of application for a permit to connect to the POTW, and shall be used to administer this industrial pretreatment and spill prevention program.

17.3.7 There shall be additional charges for laboratory testing of industrial wastewater samples. The laboratory charge shall be for the cost thereof and will be determined for each user.

17.4 No free service shall be allowed to any user of the Authority's wastewater system.

17.5 Billing for wastewater service shall be the Authority's responsibility.

17.6 There shall be a late payment charge assessed against any payment which has not been made within thirty (30) days of the due date on the bill. The late payment charge shall be four percent (4%) of the delinquent charges, or the sum of TEN DOLLARS (\$10.00), whichever is greater. Delinquent accounts shall be billed once every thirty (30) days until the delinquent account is certified to the Township Assessing Officer for inclusion in the tax roll. The late payment charge shall be assessed on each thirty (30) day period that an account is delinquent. After the account is certified to the Assessing Officer, the account, including any late payment charges, shall bear interest in the same manner and at the same rate as provided by law for taxes. These late payments charges are declared to be reasonably related to the additional costs incurred by the Authority in the collection of delinquent accounts.

17.7 Charges for sewage disposal service furnished to any premises within the Sewer Service District shall be a lien against the premise. Charges

DEXTER TOWNSHIP ORDINANCE NUMBER 25

delinquent for three (3) months or more as of August 15 of any year shall be certified by the Superintendent, or other employee authorized by the Authority Board, annually, to the proper tax assessing officer of the Township in which the premise lies. The Township Assessing Officer shall enter a lien on the next tax role against the premises to which the services shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the Township Roll and the enforcement of the lien for such taxes. Such charges and rates shall be collected or returned in the same manner as other Township taxes are certified, assessed, collected, and returned.

- 17.8 All customers of the Authority's wastewater system will receive an annual notification, either printed on the bill or enclosed in a separate letter, which will show the breakdown of the sewer bill into its components for operation, maintenance and replacement and for capital.
- 17.9 The treasurer of the Authority shall be custodian of all money's belonging to, or associated with, the wastewater system, and such moneys shall be deposited in any Michigan bank duly designated by the Authority which is insured by the Federal Deposit Insurance Corporation. The revenues of the system shall be set aside as collected and deposited in separate depository accounts as herein specified.
- 17.9.1 Operation, Maintenance and Replacement Fund. Moneys collected as stipulated in Sections 17.3.1, 17.3.2, 17.3.5, and 17.3.7, shall be set aside for operation, maintenance and replacement costs of the POTW.
- 17.9.2 Debt Service Fund. Moneys collected as stipulated in Section 17.3.3 and 17.3.4 shall be set aside for debt service costs of the POTW.
- 17.9.3 Industrial Pretreatment and Spill Prevention Fund. Moneys collected as stipulated in Section 17.3.6 shall be set aside for administration and enforcement of an industrial pretreatment and spill prevention program.
- 17.9.4 Capital Improvement. A Capital Improvement Fund may be established by the Authority. The amount to be deposited shall be as stipulated by the Authority and may be applied toward improvements to the POTW as determined by the Authority.
- 17.9.5 Any moneys in any fund or account established by the provisions of this Ordinance that are to be invested shall be in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the security representing same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such

DEXTER TOWNSHIP ORDINANCE NUMBER 25

purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

- 17.9.6 Damage to Grinder Pumps. The grinder pumps provided by the Authority to each property shall be used by the owner of the property in accordance with the rules and recommendations of the Authority. If the damage is caused to the pump by reason of the use of the pump, in a manner contrary to the rules and specifications, issued by the Authority, the owner shall be charged the cost of repair, replacement and damage to the pump and shall be liable to the Authority for the repayment of such costs.

SECTION XVIII

1. TAKING WITHOUT COMPENSATION. This Ordinance shall not be construed to abrogate rights or authority otherwise protected by law.

For the purposes of determining if there has been a taking of property without just compensation under Michigan Law, an owner of property, who has sought and has been denied a permit, or has been made subject to modifications or conditions in the permit under this Ordinance, or whose property has been subject to regulations with respect to the use of the property under this Ordinance, retains the right, and may file an action in a Court of competent jurisdiction.

If the Court determines that an action of the Authority or the Township pursuant to this Ordinance constitutes a taking of the property of a person, then the Court shall order the Authority or the Township, at the option of the Authority or the Township, as the case may be, to do one or more of the following:

- A. Compensate the property owner for the full amount of lost value;
- B. Purchase the property in the public interest as determined before its value was affected by this Ordinance; or,
- C. Modify its action with respect to the property so that the action will not constitute a taking of property.

SECTION XIX

1. RIGHT TO AMEND OR REPEAL. This Ordinance is adopted to administer the regional sewer system and meet requirements of EPA. If the township proposes amendments or repeal it shall submit a request for approval to the Authority and Lyndon Township prior to enacting the same.

SECTION XX

1. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption by the Township Board.

DEXTER TOWNSHIP ORDINANCE NUMBER 25

Township Clerk