

TITLE V: PUBLIC WORKS

Chapter

50. WASTEWATER

51. WATER

CHAPTER 50: WASTEWATER

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GENERAL PROVISIONS

50.001 REQUIREMENTS.

This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the township and enables the township to comply with all applicable state and federal laws required by the Clean Water Act of 1977, being 33 U.S.C. 1251 et seq. and the general pretreatment regulations (40 C.F.R. Part 403).

(Ord. 4.05, passed 7-7-1987)

50.002 OBJECTIVES.

The objectives of this chapter are:

(A) Require use of the publicly owned wastewater collection system;

(B) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(C) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;

(D) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(E) To provide the equitable distribution of the cost of the municipal wastewater system.

(Ord. 4.05, passed 7-7-1987)

50.003 REGULATION.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through

enforcement activities, requires user reporting, assume that existing customers capacity will not be pre-empted and provides for the setting of fees for the equitable distribution of cost resulting from the program established herein.

(Ord. 4.05, passed 7-7-1987)

50.004 APPLICATION OF CHAPTER.

This chapter shall apply to the township and to persons who are by contract or agreement with the township, users of publicly owned treatment works. Except as otherwise provided herein, the Township Board, shall administer, implement and enforce the provisions of this chapter.

(Ord. 4.05, passed 7-7-1987)

50.005 ENFORCEMENT.

To the extent permitted by law, the township may authorize the city to administer and enforce, on behalf of the township, all or a portion of the obligations imposed upon the township by the terms of this sewer use chapter.

(Ord. 4.09, passed 3-4-1997)

50.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT, THE ACT, THE FEDERAL WATER POLLUTION CONTROL ACT and **THE CLEAN WATER ACT**. Are used interchangeably in this chapter and refer to Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq. as adopted in 1972 and amended by Pub. L. No. 95-217 in 1977, Pub. L. No. 97-117 in 1981, and any succeeding amendments.

ALTERNATIVE DISCHARGE LIMIT. 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.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of the walls of the building and conveys to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National categorical pretreatment standards or pretreatment standards.

CHLORINE DEMAND. The difference between the amounts of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contract period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

CITY. The City of Big Rapids, Michigan and/or the City Manager or his or her duly authorized deputy, agent or representative.

COUNTY. The County of Mecosta, Michigan.

CHEMICAL OXYGEN DEMAND (COD). The oxygen consuming capacity of inorganic and organic matter present in wastewater.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPATIBLE POLLUTANT. The pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants are biochemical oxygen demand, suspended solids, pH and fecal coliform, phosphorus and its compounds, and nitrogen and its compounds.

COMBINED WASTESTREAM. The waste stream at industrial facilities where regulated process effluent is mixed with other wastewater (either regulated or unregulated) prior to treatment.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

CONTROL AUTHORITY. The individual designated by the Township Board.

EPA ADMINISTRATOR. The head of the Environmental Protection Agency.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL COST RECOVERY (ICR). The cost recovered from industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users under 204(b) of Pub. L. No. 95-217, being 33 U.S.C. 1284(b).

INDUSTRIAL USER. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions A, B, D, E and I.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from sanitary sewage.

INTEGRATED FACILITIES. Industrial facilities with a combined waste stream.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned treatment works:

- (1) Having flow of 50,000 gallons or more per average work day;
- (2) Having a flow greater than 5% of the total flow carried by the municipal system receiving the waste;
- (3) Having in its discharge a toxic pollutant in amounts exceeding the desired limits; and
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

mg/l. Milligrams per liter.

MISCELLANEOUS CUSTOMER FEE. The amount charged to customers of the township's system for miscellaneous services and related administrative costs associated with the system.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL STRENGTH DOMESTIC WASTES. Wastes which have a BOD of 200 milligrams per liter, suspended solids of 170 milligrams per liter, phosphorus of ten milligrams per liter have a pH between 6.5 and 9.5 and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process.

OPERATION AND MAINTENANCE (O&M). All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, equipment replacement and treatment and collection of wastewater necessary to insure adequate treatment and collection on a continuing basis in conformance with applicable regulation.

ORDINANCE. Ord. 4 adopted on January 23, 1979, as amended, Ord. 4.02, adopted on September 14, 1979 and Ord. 4.05, adopted on July 7, 1987, as amended.

PPM. Parts per million.

pH. The logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

PERSON. Any individual, firm, company, association, society, corporation or group.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 C.F.R. 403.6(d).

PRETREATMENT STANDARDS. National categorical pretreatment standards, alternative discharge limits, or other federal, state or local standards, whichever are applicable.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods 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 particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by 212 of the Act (33 U.S.C. 1292) which is owned by the city. This includes any sewers that convey wastewater to the POTW treatment plant. For purposes of this chapter, *POTW* shall include any sewers that convey wastewaters to the POTW from persons outside the city who are by contract or agreement with the city users of the POTW.

PUBLICLY OWNED TREATMENT WORKS (POTW) TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SERVICE STUB CHARGE. The amount charged to a premises for the construction and installation of a service stub (the extension of the public sewer laterally from the local or main collector sewer to the property line of the premises adjacent to the path of the public sewer).

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground surface, and storm waters as may be present.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SEWER RATES AND CHARGES. The trunkage connection fee, service stub charge, permit and service stub inspection and approval fee, sewer service charge, miscellaneous customer fee, surcharges imposed consistent with 50.073 and the charges and fees established from time to time by the township pursuant to 50.111.

SEWER SERVICE CHARGE. The rate charged by the township for providing wastewater collection and treatment service, including separately itemized components for:

- (1) User charges to pay the cost of operation and maintenance and replacement;
- (2) Debt service on outstanding township bonds payable from net revenues of the township's sanitary sewer system; and
- (3) Payments to the City of Big Rapids for transportation and treatment of wastewater determined pursuant to agreement between the city and the township in accordance with the city's approved user charge system.

SHALL. Mandatory; **MAY** is permissive.

SIGNIFICANT VIOLATION. Those violations which remain uncorrected 45 days after notification of noncompliance over a 12-month period, which involve a failure to accurately report noncompliance, or which result in the exercise of the sewage works emergency authority under 40 C.F.R. 403.8(f)(2)(vi)(B).

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

STANDARD INDUSTRIAL CLASSIFICATION (SIC). 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.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SURCHARGE. An extra charge to cover the cost of treating sampling and testing extra strength sewage.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by the wastewater treatment process.

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SUPERINTENDENT. The individual designated by the Township Board or his or her duly authorized representative.

TOWNSHIP. Big Rapids Charter Township, Michigan and/or its duly authorized agent or representative.

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), being 33 U.S.C. 1317(a) or other Acts.

TRUNKAGE CONNECTION FEE. The amount charged to a premises for connection to the township's sanitary sewer system which represents the premises allocable share of the collector and interceptor sewers and related appurtenances.

UNIT or UNITS. A standard of measuring the relative benefits derived from the disposal of sewage ordinarily arising from the occupancy of a single-family residential dwelling unit (but such term shall not necessarily be related to actual use arising from any such dwelling unit) and shall be defined or determined from time to time by the township through its Township Board. Said units are set forth in Appendix A to Chapter 50, according to the type of use to which the properties are put.

U.S. EPA. The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.

USER. Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

USER CHARGE. A charge levied on users of treatment works for the cost of operation and maintenance of such works.

USER CLASS. That the recipient of wastewater treatment services will be assigned to one of three classes discussed in 50.095.

WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995; Ord. 4.09, passed 3-4-1997)

50.007 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing Materials
BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
CWA	Clean Water Act
EPA	Environmental Protection Agency
l	Liter
MDNR	Michigan Department of Natural Resources
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
O&M	Operations and maintenance
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SS	Suspended solids
U.S.C.	United States Code
WPCF	Water Pollution Control Federation

(Ord. 4.05, passed 7-7-1987)

USE OF PUBLIC SEWERS REQUIRED

50.020 UNLAWFUL TO DISCHARGE.

It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse or artificial watercourse, any sewage or other polluted waters other than storm water or uncontaminated industrial wastes as heretofore defined; or to increase an approved use except upon special agreement or arrangement with the township and in accordance with the rules and procedures of appropriate agencies of the state.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.021 PRIVIES, PRIVY VAULTS, SEPTIC TANKS, CESSPOOLS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.022 CONNECTION TO SANITARY OR COMBINED SEWER.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the township, is hereby required at his or her expense to install suitable toilet facilities and connect such facilities directly with the proper public street sewer in accordance with the provisions of this chapter. The township may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.
(Ord. 4.05, passed 7-7-1987)

50.023 PLATS.

Plats for premises subdivided into four or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, which premises are within the area in the township served by the system, shall not be approved or issued on behalf of the township and none of said premises shall be improved hereafter by the erection thereon of a building or structure for human use or occupancy unless lateral sewers, the design of which is approved by an engineer designated by the township, to serve all of said premises, as subdivided or to be improved are provided and connected to the system as part of the system, such extensions to be installed at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the township, as otherwise provided by law).
(Ord. 4.05, passed 7-7-1987)

50.024 COMPLETION OF CONNECTIONS.

Except as provided in 50.037, all connections to the sewer required hereunder shall be completed no later than 12 months after date of official notice to make such connection.
(Ord. 4.05, passed 7-7-1987)

PRIVATE SEWAGE DISPOSAL**50.035 UNAVAILABILITY OF PUBLIC SANITARY OR COMBINED SEWER.**

Where a public sanitary or combined sewer is not available under the provisions of 50.020 through 50.024, the building sewer shall be connected to a private sewage disposal system constructed in compliance with state and local laws.

(Ord. 4.05, passed 7-7-1987)

50.036 CONSTRUCTION REQUIREMENTS.

Where private sewage disposal systems are constructed, they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, sub-surface ground water, or tile drain unless otherwise approved by the township. All installations shall comply with the existing state laws and regulations.

(Ord. 4.05, passed 7-7-1987)

50.037 AVAILABILITY OF PUBLIC SEWER.

(A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 50.020 through 50.024, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. All filling and demolition subject to approval of the township.

(B) Upon application of the owner of such property, the township may grant a delay of not more than two years, before making connection to public sewer. Such delay to be granted only if private facilities are satisfactory and create no nuisance or health hazard.

(Ord. 4.05, passed 7-7-1987)

50.038 SANITARY MANNER OF OPERATION.

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

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.039 ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the township or other regulatory agencies with respect to private sewage disposal.

(Ord. 4.05, passed 7-7-1987)

50.040 SEWER EXTENSION.

It is hereby recognized that the sewer may be extended, subject to approval of the City of Big Rapids pursuant to the wastewater treatment agreement dated as of December 8, 1978 by and between said city and the township, to premises not otherwise required hereunder to connect to the sewer. Such extensions shall be made pursuant to contract between the owners of said premises and the township, which contract shall provide that the extension be designed and installed at private cost or by special assessment. The township may coordinate the construction of said extension if the private developer furnishes an acceptable surety bond or deposits the estimated cost with the township. In any event, the design of the sewer extension and the construction inspection shall be approved and provided by an engineer designated by the township. A contract for extension of the sewer entered into by the township may provide that third parties subsequently connecting to said extension shall pay the developer a pro rata portion of the costs of construction said extension in addition to the fees payable under 50.205 through 50.218.

(Ord. 4.03, passed 9-1-1981)

BUILDING SEWERS AND CONNECTIONS**50.050 WRITTEN PERMITS REQUIRED.**

(A) No unauthorized 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 township.

(B) All connections with any sewer of the township shall be made only by written authorization and permits issued by the township or its designated representative. The owner or his or her agent shall make application on a special form furnished by the township which shall be accompanied by payment in full in cash or certified check, or equivalent of the service stub charge, trunkage connection fee and permit and service stub inspection and approval fee and other charges or deposits required by this chapter. All permit applications shall contain the information required in 50.125, if applicable. The permit application shall be filed prior to or simultaneously with the application to the township for a building permit.

(Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991) Penalty, see 50.999

50.051 COSTS AND EXPENSES.

(A) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property.

(B) The owner shall indemnify the township from all loss or damage that may directly be occasioned by the installation of the building sewer.

(Ord. 4.05, passed 7-7-1987)

50.052 PLANS AND SPECIFICATIONS.

(A) All applicants for sewer connection permits shall, when required submit plans and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the Plumbing Code of the state, and all order, rules and regulations of the Department of Health. The approval of connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains and the city's sewage treatment plant including BOD and suspended solids capacity. When such plans and specifications have been approved by the township or by such officials as they may designate, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.

(B) Final approval will be subject to compliance with the Plumbing Code of the state, and all orders, rules and regulations of local and state regulatory agencies.

(Ord. 4.05, passed 7-7-1987)

50.053 INSPECTION.

(A) The applicant for a building sewer permit shall notify the township when the building sewer is ready for inspection. The township or its designated representative shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as so approved in the construction permit, a sewer connection approval shall be issued, subject to the applicable provisions of other sections of this chapter.

(B) Upon final approval of any sewer connection all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent on completion of installation, shall comply with State Plumbing and Township Building Codes.

(Ord. 4, passed 1-23-1979; Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991)

50.054 COSTS OF REPAIRS, MAINTENANCE AND REPLACEMENTS.

The cost of all repairs, maintenance and replacements of existing building sewers and their connection to the public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the township through the designated representative.

(Ord. 4.05, passed 7-7-1987)

50.055 CONNECTION TO BE MADE BY TOWNSHIP OR APPROVED REPRESENTATIVES.

All connection to existing or new sewers will be made by employees of the township or its approved representatives. The connection of the building sewer into the public sewer shall be made at the _____ branch, if such branch is available at a suitable location.

(Ord. 4.05, passed 7-7-1987)

50.056 NOTIFICATION OF TOWNSHIP.

The applicant for the building sewer permit shall notify the township when the building sewer is ready for inspection and connection to the public sewer.

(Ord. 4.05, passed 7-7-1987)

50.057 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of, the work shall be restored in a manner satisfactory to the township.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

USE OF PUBLIC SEWERS**50.070 RESTRICTED SANITARY SEWER DISCHARGES.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.071 STORM SEWERS.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the township, and in compliance with rules and procedures of various agencies of the state. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the township, to a storm sewer or natural outlet. The township has the right to exclude industrial or commercial waste in whole or in part, for any reason.

(Ord. 4.05, passed 7-7-1987)

50.072 RESTRICTED PUBLIC SEWER DISCHARGES.

(A) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 104°F (40°C);
- (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (3) Any garbage that has not been properly shredded;
- (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in the sewers or other interference with the proper operation of the sewage works;
- (5) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (6) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the wastewater treatment plant, or exceed the limitation set forth in the EPA categorical pretreatment standard or any other federal, state or county standard;
- (7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW plant;
- (8) Any substance which may cause the sewage works effluent or any other product of the sewage works such as residue, sludges or scums, to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process;
- (9) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions;

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- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (11) Any water and/or waste not complying to all NPDES permit requirements, pretreatment standards and all other unspecified state and federal regulations;
- (12) Any waters or wastewaters having chlorine demand in excess of 15 mg/l;
- (13) Any waters or wastes having pH less than 5.5 and greater than 9.5;
- (14) Any waters and/or wastewater which may contain any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;
- (15) Any water or waste which may contain more than 100 parts per million (100 PPM), by weight, of fat, oil or grease or exceed a daily average of 25 parts per million (25 PPM);
- (16) Any grease, oil or other substance that will become solid or viscous at temperatures, between 32°F and 140°F, including mineral oils from the viscosity range of kerosene on up; and
- (17) Any wastes that contain insoluble solids in excess of 10,000 parts per million (10,000 PPM) or exceeds a daily average of 500 parts per million (500 PPM) or that contains a combination of soluble and insoluble material in excess of 20,000 parts per million (20,000 PPM) and must not contain any insoluble substance having a specific gravity greater than 2.65.

(B) When the township determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts so as to interfere with the operation of the POTW, the township shall:

- (1) Advise the user(s) of the impact of the contribution on the POTW; and
 - (2) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.
- (Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.073 DISCHARGE OF WASTEWATERS.

(A) *State requirements.* State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal or local requirements and limitations.

(B) *Supplementary limitations - discharge limits.*

- (1) (a) No user shall discharge wastewater containing concentrations (and/or mass limitations) in excess of the following:

Conventional Pollutants	
<i>Materials</i>	<i>Concentration (mg/l)</i>
Ammonia - N	64
BOD	530
Total suspended solids	900
FOG	200
TPH	49
Total phosphorus as P	36
Non-Conventional Pollutants/Upper Limits	
<i>Materials</i>	<i>Concentration (ug/L)</i>
Metals	
Arsenic	60 ug/L
Cadmium	90 ug/L
Copper	50 ug/L
Cyanide	130 ug/L
Chromium, total	700 ug/L
Chromium, hexavalent	300 ug/L
Lead	570 ug/L
Mercury	*(LOD)
Nickel	930 ug/L
Selenium	150 ug/L
Silver	43 ug/L
Zinc	700 ug/L
Organics	
1-4 Dichlorobenzene	24 ug/L
Chloroform	18 ug/L
Lindane	0.60 ug/L
Benzene	24 ug/L
Toluene	24 ug/L
Ethylbenzene	31 ug/L

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Conventional Pollutants	
<i>Materials</i>	<i>Concentration (mg/l)</i>
Xylenes, Total	44 ug/L
Methylene Chloride	41 ug/L
Tetrachloro ethylene	16 ug/L
Trichloro ethylene	21 ug/L
111, Trichloroethane	16 ug/L

(b) *The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following.

1. There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW).
2. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1.
3. The LOD, developed in accordance with the procedure specified in 40 C.F.R. Part 136 shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

(c) 1. The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

- a. A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;
 - b. A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent;
- and
- c. A demonstration that an attempt has been made to resolve the matrix interference(s).

2. In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure in 40 C.F.R. Part 136. Discharge-specific LODs will be incorporated into the wastewater discharge permit of the nondomestic user.

(2) In additions to penalties for violation the chapter for discharging wastewater containing concentrations (and/or mass limitations) in excess of the limits stated above, surcharges shall be assessed by the township for any conventional pollutant discharged to the POTW in excess of average domestic influent WWTP concentration according to the City of Big Rapids sewer user charge system, 52.22

of the City of Bid Rapids code. Discharges of any pollutant may not exceed the stated limitation under any circumstance. Surcharges will be based on a prorated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance to be treated annually.

(3) (a) The township's surcharge procedure shall include, on at least a semi-annual basis, composite sampling episodes of four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These average concentrations will be compared to the WWTP average domestic influent concentration for each parameter found under SURCHARGE in the city's user charge system. When the user concentration exceeds the domestic background for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow number shall be the actual total monthly flow. Example: The domestic background average concentration for total phosphorus is 5 mg/l. User A has an average domestic concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the total monthly flow in millions of gallon x 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water during the month, that would be .6 million gallons x 3 mg/l x 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51 pd \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling episode.

(b) Each user subject to surcharge shall be billed monthly according to water usage or metered discharge. Sampling and analysis shall be performed by the township. A split of each sample shall be made available to each user upon written request.

(c) The township may obtain additional samples to verify a user's effluent parameters. Any surcharged user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.
(Ord. 4.05, passed 7-7-1987; Ord. 4.09, passed 3-4-1997; Ord. 4.10, passed 2-19-2007; Ord. 4.11, passed 3-6-2007)

50.074 GREASE, OIL, SAND INTERCEPTORS AND GREASE TRAPS.

(A) (1) Grease, oil, sand interceptors and conventional grease traps shall be provided when, in the opinion of the township, they are necessary for the township 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 township and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) 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, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(B) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.075 PRELIMINARY TREATMENT.

(A) (1) Where necessary in the opinion of the township, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(a) Reduce objectionable characteristics or constituents to within the maximum limits as provided for in 50.072 and 50.073; or

(b) Control the quantities and rates of discharge of such waters or wastes.

(2) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the city and of the state regulation agencies and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(B) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(Ord. 4.05, passed 7-7-1987)

50.076 CONTROL MANHOLE.

When required by the township the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The control manhole may be required by the township for any industrial or commercial building sewer whose water supply is from an unmetered private well. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the township. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
(Ord. 4.05, passed 7-7-1987)

50.077 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in 50.070 through 50.081, shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage* and shall be determined at the control manhole provided for in 50.076 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. In addition to the *Standard Methods*,

all testing should conform with *Guidelines Establishing Test Procedures for Analysis of Pollutants* as published in October 16, 1973, Federal Register (40 C.F.R. Part 136).
(Ord. 4.05, passed 7-7-1987)

50.078 FEDERAL PROHIBITED DISCHARGES.

There shall be no agreement between the township and any industrial concern that would allow any waiver of federal prohibited discharge standards or categorical pretreatment standards except under the mechanisms specified in the general pretreatment standards regulations. Special agreement or arrangements between the township and any industrial concern falling within the mechanisms specified in the general pretreatment standards regulations may be made whereby an industrial wastes of unusual strength or character may be accepted by the township for treatment, subject to payment of surcharge. The strength of such waste shall be determined by composite sampling at the owners expense over a period of time sufficient to generate a representative sample. Surcharges will be assessed based on a prorated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance treated annually.

(Ord. 4.05, passed 7-7-1987)

50.079 ACCIDENTAL SPILLS.

(A) All discharges to the township sewer system shall provide protection from accidental spills potentially resulting in sewer discharge of prohibited materials or substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner(s) or user(s) expense. Detailed plan showing facilities and operating to provide spill prevention shall be submitted to the township for review, and shall be approved by the township prior to construction of the facility. All users subject to this provision shall complete a spill prevention program within 90 days of enactment of this chapter. Any user commencing discharge to the sewage works after the effective date of this chapter shall, at the direction of the township, develop a spill program prior to introducing pollutants into the sewage works. Review and approval of such plans and operating procedures by the township shall not relieve the discharges from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(B) When an accidental discharge occurs it will be the immediate responsibility of the user to notify the sewage works by telephone of the incident. Notification shall include the location of the discharge, type of waste, concentration, volume and recommended corrective action.

(C) Following an accidental discharge, it will be the responsibility of the user to submit a written report within 24 hours to the township detailing the cause of the discharge and the measures being implemented to prevent a reoccurrence. Submittal of the report will not relieve the user of liability for any expense, loss or damage to the sewage works, nor fines, civil penalties or other liabilities imposed upon the township as a result of the accident.

(D) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of who to call in the event of a dangerous discharge. Employer shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.080 DILUTION OR INCREASE IN PROCESS WATER.

(A) 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 the national categorical pretreatment standards, alternative discharge limits or in any other pollutant-specific limitation developed by the township or state.

(B) Dilution may be an acceptable means of complying with some of the prohibitions set forth in 50.072 and 50.073, upon prior written approval of the township.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.081 FEDERAL STANDARDS.

Upon the promulgation of the national categorical pretreatment standards, alternative discharge limits or other federal or state limitations, for a particular industrial sub-category, the pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall be considered part of this chapter. The township shall notify all affected users of the applicable reporting requirements.

(Ord. 4.05, passed 7-7-1987)

USER CLASSIFICATION

50.095 CLASSES ENUMERATED.

(A) The recipients of wastewater treatment services will be assigned to one of the following classes:

(1) *Class I.* Any nongovernmental user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions A, B, D, E and I and as defined in 40 C.F.R. Part 35.905 published September 27, 1978 in the Federal Register;

(2) *Class II.* Any user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions F, G, H, J and K and any

commercial, institutional or governmental user determined to be introducing wastes of unusual volume or strength, or wastes in variance with 50.072; and

(3) *Class III*. All users, which produce primarily segregated domestic wastes or wastes from sanitary conveniences.

(B) A user in the divisions listed may be excluded from Class I and II and placed in Class III if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991)

FEES

50.110 INTENT.

It is the intent of this subchapter to provide for the recovery of costs from the users of the township's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the township's schedule of charges and fees.

(Ord. 4.05, passed 7-7-1987)

50.111 ADOPTION OF FEES.

The township may adopt charges and fees which may include:

(A) Fees for reimbursement of cost of setting up and operating the township's pretreatment program;

(B) Fees for monitoring, inspections and surveillance procedures;

(C) Fees for receiving accidental discharge procedures and construction;

(D) Fees for permit application;

(E) Fees for filing appeals;

(F) Fees for consistent removal (by the township) of pollutants otherwise subject to federal pretreatment standards; and

(G) Other fees as the township may deem necessary to carry out the requirements contained herein.
(Ord. 4.05, passed 7-7-1987)

*ADMINISTRATION***50.125 PERMIT REQUIREMENT.**

Application for use of sewers requires each person or establishment with a potential discharge other than normal strength domestic waste discharge, to do any or all of the following:

(A) Request service for sanitary sewer, storm sewer or other;

(B) Request to include all of the following:

(1) State nature of business or enterprise;

(2) State source and volume of water used both in processing, cooling and waste transportation;

(3) State volumes in gallons of water to be discharged to sanitary, storm or other surface or ground areas;

(4) List all substances of a chemical, biological or radioactive nature, other than those found in the source water supply, which are now or will be found in all wastewater discharges;

(5) Provide plan maps of buildings, waste treatment works, process flow patterns, outfall lines and in-plant drainage lines;

(6) Sample, test and file reports with the township and appropriate state agencies on specified waste characteristics. All schedules, locations and methods to be approved by the township;

(7) Place waste treatment facilities, process facilities, waste streams or other facilities generating wastes or possessing potential waste problems under designated control and supervision of persons who have been approved by appropriate state agencies;

(8) Provide a report on all raw materials entering the process or support systems, including analyses and assays provided by suppliers or raw materials; and

(9) Maintain records and file reports on final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other hazardous wastes.

(Ord. 4.05, passed 7-7-1987)

50.126 ISSUANCE OF SEWER USE PERMIT.

Issuing of sewer use permit upon completion of any or all of the items under 50.125, the township will, after reviewing applications, issue a sewer use permit which will include all or part of the following:

- (A) State location of discharge points into sanitary, storm sewers or surface water areas;
 - (B) Designation of maximum allowable volumes of wastewater to be discharged at discharge points;
 - (C) Designation of any discharge restrictions;
 - (D) Designation of types and sizes of containment facilities to control process spills to the designated sewers;
 - (E) Provision for sampling and analysis of waste discharged to designated sewers;
 - (F) Provisions for filing reports on waste analysis with the township;
 - (G) Provisions for notifying the township of any changes in process and/or wastes or proposed additional waste, or connections to the designated or other sewers;
 - (H) Establish limits on specific waste constituents in mg/l and in pounds per day. Limits can include, but are not limited to, BOD, COD, temperature, pH, suspended solids, volatile suspended solids, soluble metal wastes, toxins, pesticides, herbicides, solvents, detergents and other wastes capable of creating hazards to humans, animals or aquatic life or which might create any hazards to sewers, wastewater treatment plant or the receiving water;
 - (I) Permits shall be issued for a specified time period not to exceed five years, a permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to expiration of the users existing permit. The terms and conditions of the permit may be subject to modifications by the township during the term of the permit as limitations or requirements as identified in 50.125 are modified or other just cause exist. The user shall be notified of any proposed changes in his or her permit at least 30 days prior to the effective day of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance; and
 - (J) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the township. Any succeeding owner or user shall also comply with the terms of the existing permit.
- (Ord. 4.05, passed 7-7-1987)

50.127 REPORTS.

(A) Within 90 days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or 90 days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the township a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. 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 discharger into compliance with the applicable pretreatment standards or requirements.

(B) This statement shall be signed by an authorized representative of the discharger.

(1) Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the township, shall submit to the township during the months of June and December, unless required more frequently by the township, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost of feasibility considerations justify, the township may accept report of average and maximum flows estimated by verifiable techniques. The flow rates, holiday, budget cycles or other extenuating factors may authorize the submission of said reports on months other than those specified above.

(2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where required by the township. The frequency of monitoring by the user shall be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with 40 C.F.R. Part 136 and amendments thereto. (Comment: where 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)
(Ord. 4.05, passed 7-7-1987)

50.128 MONITORING FACILITIES.

(A) Each discharger shall provide and operate at the dischargers own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the township. Each monitoring facility shall be situated on the dischargers premises, except where such a location would be impractical or cause undue hardship on the discharger, the township may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling 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 discharger.

(C) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by discharger.

(Ord. 4.05, passed 7-7-1987)

50.129 PRETREATMENT.

Users shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the same limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to an acceptable level by the township 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 township for review and shall be acceptable to the township under provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the township prior to the users initiation of the changes.

(Ord. 4.05, passed 7-7-1987)

50.130 CONFIDENTIAL INFORMATION.

(A) Information and data furnished to the township with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger 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 or proprietary information of the discharger.

(B) When requested by a discharger furnishing a report, the portions of a report which may disclose trade 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 chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/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 discharger furnishing this report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

(Ord. 4.05, passed 7-7-1987)

50.131 PUBLICATION OF VIOLATIONS.

(A) As required by 403.8(f) of the Federal Register, being 40 C.F.R. 403.8(f), the township shall annually publish in the major local newspaper a list of the users which were significantly violating any applicable pretreatment requirements or standards during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(B) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDNR upon request.

(Ord. 4.05, passed 7-7-1987)

POWERS AND AUTHORITY OF INSPECTORS**50.145 AUTHORITY.**

Authorized employees of the township (or its authorized representatives) bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(Ord. 4.05, passed 7-7-1987)

50.146 POWERS.

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

(Ord. 4.05, passed 7-7-1987)

ENFORCEMENT**50.160 SUSPENSION OF WASTEWATER TREATMENT SERVICE.**

(A) The city may suspend 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 persons or the environment causes interference to the sewage works or causes the township to violate any condition of its NPDES permit.

(B) Any person notified 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 severance of the sewer connection, to prevent or minimize damage to the sewage works system or endangerment to any individuals. The township 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 township within 15 days of the day of occurrence.

(Ord. 4.05, passed 7-7-1987)

50.161 PERMIT REVOCATION.

Any user who violated the following conditions of this chapter, or applicable state or federal regulations, is subject to having his or her permit revoked in accordance with the procedures of 50.166:

(A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(C) Refusal of reasonable access to user premises for the purpose of inspection and/or monitoring; or

(D) Violation of conditions of the permit.

(Ord. 4.05, passed 7-7-1987)

50.162 WRITTEN NOTICE.

(A) Whenever the township finds that any user has violated or is violating this chapter, or any prohibition, limitation of requirements contained herein, the township may serve upon such person a written notice stating the nature of the violation.

(B) Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the township by the user.

(Ord. 4.05, passed 7-7-1987)

50.163 HEARING.

(A) Any user subject to enforcement action under the provisions of this chapter may request a hearing before the township within ten days of receipt of notification of proposed enforcement action. A hearing is to be held by the township concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the township why the proposed enforcement action should not be taken.

(B) The township may conduct the hearing and take the evidence, or may designate any officer or employee to:

(1) Issue in the name of the township notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings; or

(2) Take the evidence.

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded steno graphically. 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.

(Ord. 4.05, passed 7-7-1987)

50.164 ORDER.

After the township has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that said devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. 4.05, passed 7-7-1987)

50.165 FEES.

The township shall also establish appropriate surcharges or fees to reimburse the township for the additional cost of operation and maintenance of wastewater treatment works due to the violations of this chapter.

(Ord. 4.05, passed 7-7-1987)

50.166 APPEAL.

Upon receipt of the townships order pursuant to 50.163(C), an aggrieved party may appeal the townships order to the Township Board for review and reconsidered under the following terms and conditions:

(A) Within ten days from the date the order is received from the township, the aggrieved party shall formally notify the Township Board his, her or its intent to appeal the townships order issued pursuant to 50.163(C) on a form to be provided by the township;

(B) Within 30 days from the date the order is received, the aggrieved party shall submit the Township Board the grounds on which the appeal is based together with all documents, evidence, transcripts and information in support of said parties position;

(C) Within 30 days of receiving the aggrieved parties appeal, the Township Board shall meet and review all responsive pleadings pertaining to said appeal and shall issue and order affirming the townships order, affirming the townships order in part and reversing part or reversing the townships order in full; and

(D) The township shall immediately forward a copy of its order to all interested parties of record.
(Ord. 4.05, passed 7-7-1987)

50.167 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the township wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the township, the township may commence an action for appropriate legal and/or equitable relief in the applicable court of this county.

(Ord. 4.05, passed 7-7-1987)

RECORDS

50.180 RECORDS.

(A) The township will maintain and keep proper books or records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The township will cause an annual audit of such books or record and account for the preceding operating year to be made by recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

(B) All data, analysis, inspection records and all records pertaining to the industrial pretreatment program shall be maintained on file as prescribed by applicable state statutes or permanently, whichever is longer.

(Ord. 4.05, passed 7-7-1987)

ENACTMENT; AMENDMENT

50.195 ENACTMENT.

This chapter shall be in full force and effect 30 days after its publication as provided by law.

(Ord. 4.05, passed 7-7-1987)

50.196 AMENDMENT.

The township specifically reserves the right to amend this chapter in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided. It being understood, however, that the adoption of this chapter or its subsequent amendment or repeal shall in no way change, relieve or release the contractual and legal obligation of the township to make the required payments to the City of Big Rapids under and as set forth in the wastewater treatment agreement between the City of Big Rapids and the township or the obligation of the township under any contract or ordinance authorizing the issuance of bonds for the acquisition, construction and improvement of the system.

(Ord. 4.05, passed 7-7-1987)

USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICE

50.205 MAINTAINED ON A PUBLIC UTILITY BASIS.

The sanitary sewer system of the township shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premises within the township connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by the township. The township shall annually review the user rates and charges as required by Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995)

50.206 TRUNKAGE CONNECTION FEE.

(A) Except as provided in division (B) below, owners of premises required by 50.022 to connect to the sanitary sewer system shall pay a trunkage connection fee for connection to the system in the amount as set by the Township Board from time to time.

(B) Owners of premises located within a platted subdivision within which lateral sewers have been constructed pursuant to 50.023 or owners who have paid for the collection sewers serving said premises by special assessment or other means and required to connect to the sanitary sewer system shall pay a trunkage connection fee in the amount as set by the Township Board from time to time.

(C) An additional trunkage connection fee shall be charged to a premises if, following connection to the system, the use of the premises is changed to a more intensive use and additional units are assigned thereto pursuant to 50.208.

(Ord. 4, passed 1-23-1979; Ord. 4.01, passed 5-1-1979; Ord. 4.07, passed 3-21-1991)

50.207 SERVICE STUB CHARGE.

(A) Owners of premises required to connect to the sanitary sewer system shall pay a service stub charge for each AY@ and service stub required in an amount equal to the costs incurred in constructing said AY@ and service stub, except that an owner of premises for which a AY@ and service stub was installed in the initial construction of the system or who otherwise paid for the AY@ and service stub shall not be required to pay a service stub charge.

(B) Prior to August 1, 1995, the permit and service stub inspection and approval fee shall be a minimum of an amount shall be set by the Township Board from time to time per service stub. Effective August 1, 1995 and thereafter the minimum permit and service stub inspection and approval fee shall be established by resolution of the Township Board from time to time. If, however, unusual circumstances demand, the township may charge inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the township for its actual costs, including the costs of outside consultants.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995)

50.208 UNIT FACTORS.

The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the township based on the unit factors set forth in Appendix A. Any use not enumerated in Appendix A shall, in the discretion of the township, be assigned those units which attach to the property based upon the most similar use enumerated in Appendix A. The township, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises. Units in excess of one may be computed and assigned to the nearest tenth. If subsequent additions to the premises at any time increase the amount of sanitary sewage emanating from the premises, the township shall increase the number of units assigned to said premises

and thereupon a trunkage connection fee computed on the same basis as in 50.206, for the additional units, shall be payable in cash at the time a construction or other permit is issued by the township for such changes in use.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.209 MISCELLANEOUS CUSTOMER FEE.

The township shall, from time to time, establish and impose on one or more customers of the system a miscellaneous customer fee, as necessary for miscellaneous services, repairs and related administrative costs associated with operating and maintaining the system and not covered by the sewer service charges, including, without limitation, repair to the system or components thereof caused by the negligent or intentional acts of a customer or other persons using the premises of a customer, shut off and turn on charges and review of plans, specifications and other information for connection, pretreatment and other proposed uses of the system.

(Ord. 4.07, passed 3-21-1991)

50.210 METERING EQUIPMENT.

Class I, Class II and Class III users shall purchase, install, operate and maintain metering equipment on their water supply to determine the actual volume of water use.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.211 COLLECTION OF CHARGES.

It shall be the duty of the Township Treasurer to bill and collect all sewer rates and charges. The bill shall separately itemize the sewer rates and charges payable. The sewer service charge shall be based upon the water used by the customer. Payment of the bill is due and payable on or before the due date.

(Ord. 4, passed 1-23-1979; Ord. 4.02, passed 9-14-1979; Ord. 4.07, passed 3-21-1991)

50.212 METER FAILING TO REGISTER.

If a meter fails to register properly, the consumption for the billing period will be estimated from the consumption of a preceding period when water was measured. If a meter reader is unable to gain access to a meter for reading after two calls, the Treasurer may estimate the bill and make appropriate adjustments on the bill for the succeeding billing period. If a metered bill appears excessive, complaint should be made to the Township Treasurer.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.213 LATE PAYMENT CHARGE.

(A) If sewer rates and charges are not paid on or before the due date then a penalty of 10% or the amount unpaid shall be added thereto together with interest at the rate of 0.5% per month.

(B) (1) If sewer rates and charges are not paid on or before the due date, the township, pursuant to Public Act 178 of 1939, being M.C.L.A. 123.161 through 123.167, as amended, may:

(a) Discontinue the service provided by the system by disconnecting the building sewer from the service stub or inserting a shutoff valve in the service stub or in the alternative, for premises served by public water, water service may be shut off to the premises and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the township for shutting off and turning on the service, shall be paid to the township;

(b) Institute an action in any court of competent jurisdiction of the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

(c) Enforce the lien created in 50.214(A).

(2) These remedies shall be cumulative and shall be in addition to any other remedy provided in this chapter or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the township to collect unpaid sewer rates and charges, penalties and interest, invalidate or waive the lien created by 50.214(A).

(Ord. 4, passed 1-23-1979; Ord. 4.03, passed 9-1-1981; Ord. 4.07, passed 3-21-1991)

50.214 LIEN.

(A) The sewer rates and charges shall be a lien on the respective premises served by the system. Whenever sewer rates and charges shall be unpaid for 90 days or more, they shall be considered delinquent. The Treasurer shall certify annually all delinquent sewer rates and charges, penalties and interest thereon, together with an additional amount equal to 6% of the aggregate amount delinquent, on or before September 1, of each year, to the tax-assessing officer of the township, who shall enter the delinquent sewer rates and charges, interest and penalties upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

(B) A lien shall not attach for sewer rates and charges to a premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of sewer rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the township 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount as set by the Township Board from time to time per unit. Upon the failure of the tenant

to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, interest and penalties. Upon notification make sufficient payment to the township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten days of said notification, the penalties, rights and remedies set forth in 50.211 and division (A) above shall be applicable with respect to the unpaid sewer rates and charges, including interest and penalties. The security deposit shall be held by the township without interest and shall be returned to the landlord upon proof of termination of the lease.

(Ord. 4.07, passed 3-21-1991)

50.215 FREE SERVICE.

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

(Ord. 4.07, passed 3-21-1991)

50.216 APPLICATIONS FOR CONNECTION PERMITS.

Applications for connection permits may be canceled and/or sewer service disconnected by the township for any violation of any part of this chapter, including, without limitation, any of the following reasons:

(A) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the system;

(B) Nonpayment of sewer rates and charges;

(C) Improper or imperfect and/or failure to keep building sewers in a suitable state of repair; and/or

(D) Damage to any part of the system.

(Ord. 4.07, passed 3-21-1991)

50.217 DISCONTINUANCE FOR NONPAYMENT.

Where the sewer service supplied to a customer has been discontinued for nonpayment of sewer rates and charges, service shall not be reestablished until all delinquent sewer rates and charges, penalties and interest, and the turn-on charge has been paid. The township reserves the right as a condition to reconnect said service to request that a nominal sum of an amount as set by the Township Board from time to time per unit be placed on deposit with the township for the purpose of establishing or maintaining any customer's credit. Said deposit shall not be considered in lieu of any future billing for sewer rates and charges. Upon the failure of the customer to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, including penalties and interest. Upon notification by the township, the customer shall immediately make sufficient payment to

the township to cover the amount of the security deposit so advanced. Upon the failure of the customer to do so within ten days of said notification, the penalties, rights and remedies set forth in 50.211 and 50.214(A) shall be applicable with respect to the unpaid sewer rates and charges, including interest and the customer of all sewer rates and charges as and when due, for a minimum of four successive quarterly billing periods.

(Ord. 4.07, passed 3-21-1991)

50.218 HARDSHIP APPLICATION.

The owner of a premises may file a hardship application with the Township Board seeking a deferment in the partial or total payment of the trunkage connection fee, based upon a showing of financial hardship and in accordance with state laws.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

INDUSTRIAL COST RECOVERY CHARGES FOR WASTEWATER DISPOSAL SERVICE

50.230 INDUSTRIAL COST RECOVERY SYSTEM.

Federal assistance has been provided for construction of certain portions of the city's wastewater collection and disposal system which treats the sewage collected by the township sanitary sewer system. In accordance with the Federal Water Pollution Control Act, Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq., 100% of the federal assistance allocable to the treatment of wastes generated by a Class I user or capacity committed to industrial use must be recovered by an industrial cost recovery system. The industrial cost recovery charges shall be established by the township and shall be reviewed annually.

(Ord. 4, passed 1-23-1979)

50.231 CLASS I USERS CHARGE.

Commencing on the effective date of this chapter, Class I users will be subject to industrial cost recovery charges. These charges will be billed periodically in accordance with this chapter. These charges are separate from and in addition to the user charges.

(Ord. 4, passed 1-23-1979)

50.232 SPECIAL CONSIDERATION.

Where metered water consumption is not representative of the quantity of wastewater discharged by an industry, special consideration will be given by the township for establishing an equitable basis for determining industrial cost recovery charges.

(Ord. 4, passed 1-23-1979)

50.233 BILLS.

Bills shall be payable periodically and simultaneously with payments made for user charges and shall be subject to such penalties as may apply to the bills for user service.

(Ord. 4, passed 1-23-1979)

50.234 COMPUTATION.

Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of the grant amendment awarded pursuant to this part, divided by the recovery period.

(Ord. 4, passed 1-23-1979)

50.235 INDUSTRIAL COST RECOVERY PERIOD.

The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(Ord. 4, passed 1-23-1979)

50.236 FIRST PAYMENT.

The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

(Ord. 4, passed 1-23-1979)

50.237 INDUSTRIAL USERS SHARE.

(A) An industrial users share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included to ensure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be proportional to its flow, in relation to treatment works flow capacity.

(B) If there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such users share shall be adjusted accordingly.

(C) If there is an expansion or upgrading of the treatment works, each existing industrial users share shall be adjusted accordingly.

(D) An industrial users share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(E) All unallocated treatment works capacity must conform with the requirements of 204(a)(5) of the Act, being 33 U.S.C. 1284(a)(5). Cost-effectiveness guidelines are published as Appendix A to 204(a)(5), being 33 U.S.C. 1284(a)(5) to furnish additional advisory information concerning the implementation of 212(c) of the Act, being 33 U.S.C. 1292(c).

(F) An industrial user
s share shall not include an interest component.
(Ord. 4, passed 1-23-1979)

50.999 PENALTY.

(A) Any person who shall violate any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of an amount as set by the Township Board from time to time or by imprisonment for not more than 90 days or both. Each day in which any such violation shall continue shall be deemed a separate offense.

(B) Any person violating any of the provisions of this chapter shall become liable to the township for any expense, loss or damage occasioned the township by reason of violation.

(C) 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 chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of an amount as set by the Township Board from time to time or by imprisonment for not more than 90 days, or both.
(Ord. 4.05, passed 7-7-1987)

APPENDIX A: TABLE OF UNIT FACTORS

<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Auto dealers	.40 per 1,000 sq. ft.
Athletic facilities and gymnasiums	.25 per 1,000 sq. ft.
Barber shops	.14 per chair
Bars and lounges (excluding restaurant operations)	.02 per seat
Bathhouse	.5 per shower
Beauty shops	.25 per booth
Boarding houses	.16 per person
Boarding schools	.30 per person
Bowling alleys	.16 per alley plus .08 per seat
Bowling alleys without bars or lunch facilities	.16 per alley
Commercial businesses not otherwise listed	.50 per 1,000 sq. ft.
Car wash	
Drive through	10.00 single production
Self-spray	4.00 per stall
Churches	.005 per church seat
Churches with eat or drink facilities	.005 per church seat per hall + 1.00 per hall
Cleaners (pick up only)	.166 per employee
Cleaners (pressing facilities)	1.25 per press
Clinics (min. assignment - 1.00 unit per profession)	.50 per doctor
Convalescent homes	.25 per bed
Convents	.25 per person
Country clubs	.03 per member
Drug stores (with fountain service)	.083 per seat

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<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Fraternal organizations (members only)	1.00 per hall
Fraternal organizations (members and rentals)	2.00 per hall
Grocery store and supermarkets	1.10 per 1,000 sq. ft.
Hospitals	1.10 per bed
Hotels (private baths, 2 persons per room)	.25 per bed
Industry - dry water process	
0C50,000 gallons per day	.20 per 1,000 sq. ft.
50,001C100,000 gallons	.30 per 1,000 sq. ft.
100,001C150,000 gallons	.40 per 1,000 sq. ft.
150,001C200,000 gallons	.50 per 1,000 sq. ft.
Industry - wet (water process in excess of 200,001 gallons per day)	To be determined at time of application
Laundry (self service)	.30 per washing machine
Multiple-family residence	1.00 per living unit
Motels	.75 per bed
Motels (with efficiency)	.25 per bed
Office building	.40 per 1,000 sq. ft.
Public institutes other than hospitals	.30 per employee
Retail businesses	.50 per 1,000 sq. ft.
Retail with snack bar or dinner service	add .08 per seat
Restaurants (dinner and/or drinks)	.10 per seat
Rooming houses (no meals)	.125 per person
Schools (shower, gym, cafeteria)	.50 per classroom
Schools (with cafeteria only, without shower and/or pool)	.06 per student
Schools (showers and/or pool)	2.00 per classroom
Service station	.25 per pump
Snack bars, drive-ins and the like	.08 per seat and/or stall
Swimming pool	3.0 per 1,000 sq. ft.

<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Theaters (drive-in)	.02 per car space
Theaters (inside with air-conditioning)	.000093 x weekly hours of operation x seats
Tourist courts (individual baths)	.27 per cubical
Trailer parks (central bath houses)	.35 per trailer
Trailer parks (individual baths)	1.0 per trailer or pad
Trailer parks (individual baths, seasonal)	.27 per trailer or pad
Warehouses	.10 per 1,000 sq. ft.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

CHAPTER 51: WATER

Section

General Provisions

51.01 Title

Objectives and Findings

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GENERAL PROVISIONS

51.01 TITLE.

This chapter shall be known as the Water Chapter and may be cited as such.
(Ord. 23.04, passed 7-19-2001)

OBJECTIVES AND FINDINGS**51.15 OBJECTIVES RE WATER SYSTEM.**

Public water service is provided to township residents and property owners in accordance with the terms of the townships water franchise ordinance, which is Ord. 23.02 adopted by the Township Board on October 19, 1999 and effective upon its publication in the *Big Rapids Pioneer* on October 23, 1999 (the Awater franchise ordinance) by the terms of which the township granted a 30-year non-exclusive revocable franchise to the City of Big Rapids (the Acity) to provide public water service within the township. The terms of water service are further set forth in the retail water service agreement, dated March 7, 2000, by and between the city and the township (the Awater service agreement). The township is adopting this chapter to provide for certain matters contemplated by and consistent with the water franchise ordinance and the water service agreement, including, without limitation, the certificate and placement of delinquent water rates and charges on the township ad valorem property tax roll and the extension of the water system by private property owners.

(Ord. 23.04, passed 7-19-2001)

51.16 FINDINGS RE PUBLIC HEALTH, SAFETY AND WELFARE.

The township hereby determines that the water system is immediately necessary to protect and preserve the public health, safety and welfare of the township. This determination is based upon the need for enhanced fire protection provided by the availability of municipal water.

(Ord. 23.04, passed 7-19-2001)

SEWER EXTENSIONS**51.30 EXTENSIONS.**

(A) Extension of or changes in the water system may be initiated by the township or by written request, including petitions, from property owners. The township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

(B) If the petition is granted, the township may proceed with the work under the direction and control of the township. The work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this chapter.

(C) The township may also, in its discretion, permit pursuant to a written construction agreement acceptable to the township, the extension to be made under the direction and control of a private party

and dedicated to the township upon completion. If the public water main is to be so extended, the extension shall be approved by the township and the Township Engineer, who shall determine the location of the public water main, and approve the construction methods and materials used in the construction. The extension shall cover the entire road or public right-of-way frontage of the premises to be served by the extension. The persons responsible for the extension shall obtain all necessary permission to work in the public right-of-way from the township, County Road Commission, Michigan Department of Transportation and other public bodies, and shall be responsible for the payment of all costs related to construction of the public water main and water services and related improvements and appurtenances including, but not limited to, actual construction costs, restoration and replacement costs, costs of connecting to the existing water system, permit and inspection fees, and reimbursement to the township for out-of-pocket expenses for Township Engineer and staff review. These costs shall be in addition to all applicable water rates and charges imposed by the city pursuant to the water franchise ordinance or the water service agreement or by the township pursuant to this chapter. Upon satisfactory completion of the extension, the extension shall be dedicated to the public, and upon acceptance as evidenced by the terms of a written agreement between the persons responsible for the extension and the township, become part of the water system. No building shall be connected to such an extension until the extension has been accepted by the township.
(Ord. 23.04, passed 7-19-2001)

51.31 COORDINATION WITH LAND USE APPROVAL.

No final land use approval pursuant to the township zoning regulations shall imply the townships acceptance of the proposed manner of a water system extension, unless and until such a water system extension has been formally approved by the Township Board. Furthermore, approval of a water system extension by the Township Board shall not imply the grant by the township of any approval for land use.
(Ord. 23.04, passed 7-19-2001)

51.32 PAYBACK ARRANGEMENTS.

(A) The township may, with the approval of the Township Board, enter into Apayback arrangements with persons who extend the water system, pursuant to which some portion of water availability fees received in the future by the township for connection to the extension are shared with the party who installed the extension. Payback arrangements may be considered in situations in which the water system is extended to serve a development, in such a way that an available public water main becomes incidentally available to properties not under the control of the person extending the water system along the route of the extension.

(B) (1) Each request for a payback arrangement shall be considered by the township on a case-by-case basis, based upon the circumstances and merits of each situation. The township shall have no obligation to enter into a payback arrangement.

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(2) Where authorized, payback arrangements shall conform to the following general principles:

(a) Payback arrangements shall be offered only from the connection of properties which are upstream from the end point of the water extension installed by the person extending the water system. Payback arrangements shall not be made with respect to the connection of the original development to which the extension is being made;

(b) The term of the payback arrangement shall be limited to connections made not more than ten years from the date of the payback agreement. The township shall not be required to reimburse the developer with respect to any connections made after that time;

(c) No developer shall be reimbursed more than the amount determined to be attributable to the cost of making the water system extension incidentally available to premises along the route of the extension;

(d) Decisions as to the water availability fee applicable to new connections and the amount reimbursed to the developer, shall be made exclusively by the township; and

(e) Each payback arrangement shall be embodied in a written agreement and approved by the Township Board.

(Ord. 23.04, passed 7-19-2001)

WATER SYSTEM RATES, FEES AND CHARGES**51.45 WATER SYSTEM RATES AND CHARGES.**

Water system customers located in the township which receive public water service from the city in accordance with the water franchise ordinance and the water service agreement shall pay to the city such rates, fees and charges equal to fees, rates and charges imposed by the city on non-property taxpaying customers located in the city, in accordance with 5 of the water franchise ordinance.

(Ord. 23.04, passed 7-19-2001)

51.46 WATER AVAILABILITY FEE.

(A) In addition to the payment of the water system rates, fees and charges required by 51.60, the owner of a premises served by an extension of the water system funded not by the city but by the township or one or more private property owners in accordance with 51.30 through 51.32, shall pay a water availability fee to the township.

(B) The water availability fee is an amount charged to premises in the township to make the water system directly available to serve said premises and shall represent the cost allocable to such premises for the water mains made available to the premises for connection thereto, fire hydrants, valves and associated costs plus 10% for township administrative costs related to the water system.

(C) The water availability fee may be based upon the units assignable to a premises, as defined in Ord. 4.07 adopted March 21, 1991, the amount of frontage of the premises on the public water main made available by the extension or a combination of both. The water availability fee shall be an amount determined by resolution of the Township Board for each extension of the water system made in accordance with 51.30 through 51.32 and may be set in different amounts for different extensions, depending upon the relative cost.

(D) For extensions of the water system subject to a payback agreement pursuant to 51.32, the revenues derived from water availability fees, if and when received, shall form the basis of the payback payments.

(E) The water availability fee shall be paid in full by the owner of a premises receiving water service by means of such an extension prior to the issuance by the township of a building permit for the premises. Notwithstanding the foregoing, if a premises served by such extension has previously been issued a building permit, then the water availability fee shall be paid in full by the owner of the premises prior to the issuance by the township of an occupancy permit.

(F) Premises located in a special assessment district established by the township to finance a water system extension in accordance with 51.30(B) in which the full cost of the extension has been spread by special assessment, shall receive full credit towards the payment of the water availability fee; provided that such credit shall not result in a full or partial refund of the special assessment paid or payable on the special assessment roll.

(Ord. 23.04, passed 7-19-2001)

DELINQUENT RATES AND CHARGES

51.60 LIEN.

(A) The rates, fees and charges imposed upon a customer of the water system, including the water availability fee shall be a lien on the respective premises served by the system.

(B) Whenever any such water rates, fees and charges or a water availability fee is not paid when due and remains unpaid for six months or more, they shall be considered delinquent. Not later than September 1 of each year, the city shall certify to the township in accordance with 6 of the water franchise ordinance, the names of township water customers who are more than six months delinquent

in payment together with the amount of the delinquency. The Township Treasurer, in turn, shall certify all such delinquent amounts together with any delinquent water availability fees, plus an additional penalty on the total amount delinquent in the amount, if any, prescribed by city ordinance, to the Township Supervisor, who shall enter the delinquent rates, fees, charges and penalties upon the next township ad valorem tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

(Ord. 23.04, passed 7-19-2001)