TOWNSHIP OF CALDWELL
SEWER USE ORDINANCE
ORDINANCE NO. 4

AN ORDINANCE MANDATING CONNECTION OF CERTAIN PREMISES TO THE AVAILABLE PUBLIC SANITARY SEWER PURSUANT TO ACT 288 OF THE PUBLIC ACTS OF 1972, TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE TOWNSHIP OF CALDWELL ORDAINS:

Article I

Declaration of Necessity

Public sanitary sewer systems are essential to the health, safety and welfare of the people of the State and the Township of Caldwell. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems pose a threat to the public health, safety and welfare; present a potential for ill health, transmission of disease, mortality and potential economic blight and constitute a threat to the quality of surface and subsurface waters of the State and the Township of Caldwell. The connection to available public sanitary sewer systems at the earliest reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.

Article II

Definitions
Unless the context specifically indicates otherwise, the meaning for terms used in this ordinance shall be as follows:

Section 1. AUTHORITY. "Authority shall mean the City of Lake City, Missaukee County, Michigan.

Section 2. BOD. "Bod" (denoting the Biochemical Oxygen Demand) shall mean the amount of oxygen required for the biological decomposition of dissolved organic solids to occur under aerobic conditions in 5 days at 20°C, expressed in milligrams per liter.

Section 3. BUILDING DRAIN. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives sewage discharge inside the walls of the building and conveys it to the building sewer. The building drain shall end 5 feet outside the inner face of the building wall.

Section 4. BUILDING SEWER. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 5. CLASSES OF USERS. "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:

(a) "Residential User" shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multi-family dwellings, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(b) "Commercial User" shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(c) "Institutional User" shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other such
user that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(d) "Governmental User" shall mean any federal, state or local government office of government service facility that discharges only segregated domestic wastes or wastes from sanitary conveniences.

(e) "Industrial User" shall mean 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:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- Division I - Services

Section 6. COMPATIBLE POLLUTANT. "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutant parameters identified in the NPDES permit if the treatment works was designed to treat such pollutants, and can remove such pollutants to a substantial degree. The term substantial degree generally means removals in the order of 80 percent or greater.

Section 7. COMBINED SEWER. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 8. DIRECTOR. "Director" shall mean the chief administrator for the City of Lake City or his authorized Operator, agent or representative.
Section 9. GARBAGE. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 10. INCOMPATIBLE POLLUTANT. "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as defined in Section 6 above.

Section 11. INDUSTRIAL COST RECOVERY. "Industrial Cost Recovery" shall mean the recovery from each industrial user, as defined, of that portion of the U.S. Environmental Protection Agency grant which is allocated to the treatment of industrial wastes from said industries.

Section 12. INDUSTRIAL WASTES. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic wastes, or wastes from sanitary conveniences.

Section 13. INDUSTRY - MAJOR CONTRIBUTOR. "Industry - Major Contributor" shall mean an industrial user, as defined, that discharges (1) a flow of 50,000 gallons or more per average work day, or (2) a flow exceeding five percent of the total treatment plant flow, or (3) toxic pollutants in toxic amounts as defined in the NPDES permit, or (4) a flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.

Section 14. INDUSTRY - SIGNIFICANT CONTRIBUTOR. "Industry - Significant Contributor" shall mean any industry which contributes greater than ten percent of the design flow or design loading of the treatment works.

Section 15. INFILTRATION. "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to,
defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section 16. INFLOW. "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

Section 17. INFILTRATION/INFLOW. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.

Section 18. INSPECTOR. "Inspector" shall mean any person or persons authorized by the City of Lake City to inspect and approve the installation of building sewers and their connection to the public sewer system.

Section 19. NATURAL OUTLET. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

Section 20. NORMAL STRENGTH SEWAGE. "Normal Strength Sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 200 mg/l.

Section 21. NPDES PERMIT. "NPDES Permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

Section 22. OPERATION AND MAINTENANCE (O & M) COSTS. "Operation and Maintenance (O & M) Costs" shall mean costs, direct and indirect (other than debt service) necessary to ensure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long term facility management. O & M costs include replacement costs to allow necessary expenditures for obtaining and installing equipment and plant appurtenances which are necessary during
the service life of the treatment works to maintain the capacity and performance for which such works were designed.

Section 23. PERSON. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 24. pH. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Section 25. PRETREATMENT. "Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned facilities prior to discharge into publicly owned sewage works.

Section 26. PROPERLY SHREDDED GARBAGE. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in dimension.

Section 27. PUBLIC SEWER. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section 28. SANITARY SEWER. "Sanitary Sewer" shall mean a sewer which carries sewage and is not intended to carry storm, surface and ground waters.

Section 29. SEWAGE. "Sewage" shall mean 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. The two most common types of sewage are:

(a) "Sanitary Sewage" shall mean a combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

(b) "Industrial Sewage" shall mean a combination of liquid and water carried wastes discharged from an industrial establishment and resulting from
any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Section 30. SEWAGE TREATMENT FACILITY. "Sewage Treatment Facility" shall mean a publicly owned arrangement of devices and structures used for treating sewage.

Section 31. SEWAGE WORKS. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 32. SEWER. "Sewer" shall mean a pipe or conduit for carrying sewage. This shall include pressurized and non-pressurized pipe.

Section 33. SHALL; MAY. "Shall" is mandatory; "May" is permissive.

Section 34. SLUG. "Slug" shall mean any discharge of sewage or industrial waste, which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration during normal operation.

Section 35. STORM DRAIN. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 36. SUSPENDED SOLIDS. "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage, or other liquids and which can be removed by laboratory filtering.

Section 37. CITY. "City" shall mean the City of Lake City, Michigan, as represented by their Operator.

Section 38. WATERCOURSE. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 39. WYE BRANCH. "Wye Branch" shall mean a local service connection to the sewer that is made at an angle similar to a "wye" so that a
sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

Section 40. PRIVY. "Privy" shall mean an outdoor toilet.

Section 41. PRIVY VAULT. "Privy Vault" shall mean an outdoor toilet with a lined vault.

Section 42. SEPTIC TANK. "Septic Tank" shall mean an underground tank in which waste matter is decomposed through bacterial action.

Section 43. CESSPOOL. "Cesspool" shall mean a walled-up hole in the ground into which the house sewer pipe empties and from which liquids seep through the soil.

Section 44. GROUNDWATER DISCHARGE PERMIT. "Groundwater Discharge Permit" shall mean the permit issued pursuant to Act 245, Public Acts of 1929, as amended, for the discharge of treated wastewater into the groundwaters of the State.

Section 45. COD. "Cod" (denoting the Chemical Oxygen Demand) shall mean the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

Section 46. GRINDER PUMP STATION. "Grinder Pump Station" shall mean a pumping station into which a building sewer directly discharges and shall be considered a part of the public sewer.

Section 47. OPERATOR. "Operator" shall mean the agent of the City designated as being responsible for the operation of the sewage works.

Section 48. TOWNSHIP. "Township" shall mean the Township of Caldwell.

Article III
Use of Public Sewers Required

Section 1. UNLAWFUL DISPOSAL. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public
property within the Township, or in any area under the jurisdiction of the Township, any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

Section 2. UNLAWFUL DISCHARGE TO NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. UNLAWFUL PRIVATE SEWAGE CONSTRUCTION AND MAINTENANCE. 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 disposal of sewage.

Section 4. PRIVATE TOILET FACILITIES AND CONNECTION TO PUBLIC SYSTEM. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Township and abutting on any street, alley or right-of-way, in which there is located, or may in the future be located, a public sanitary sewer within two hundred feet at the nearest point from the structure in which sewage originates, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provision of this ordinance, when given official notice to do so, provided that such connection shall not be required to be made less than one year after the sewer is made available for connection thereto.

Section 5. REPORTS FILED FOR INDUSTRIAL OR PROBLEM SEWAGE DISCHARGE. Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the City.
The City may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the material listed below:

(a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of water to be discharged, with the present or expected bacterial, chemical, radioactive or other pertinent characteristics of the wastes.

(b) Provide a plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described and the waste stream identified.

(c) Sample, test and file reports with the City and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations and according to methods outlined in Article VI, Section 8 of this Ordinance.

(d) An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

(e) Provide a report on raw materials entering the process or support system, intermediate materials, final product and waste by products as those factors may affect waste control.

(f) Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste.

(g) If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given
to the City. No process shall be so altered prior to receiving written approval by the Director.

Article IV

Private Sewage Disposal

Section 1. PRIVATE DISPOSAL REQUIRED IF PUBLIC SANITARY SEWER NOT AVAILABLE. Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the local health department.

Section 2. CONNECTION TO PUBLIC SANITARY SEWER REQUIRED WHEN AVAILABLE. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this Ordinance; any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, pumped out and filled with suitable material.

Section 3. PRIVATE DISPOSAL OPERATION AND COST. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

Section 4. MDPH REQUIREMENTS HAVE PRIORITY. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health.

Article V

Building Sewers and Connections

Section 1. PERMIT REQUIRED FOR CONNECTION TO PUBLIC SEWER. No one, except a drain layer licensed by the City, shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the City. Before a
general license or particular permit may be issued for excavating for plumbing or drain laying in any public street way or alley, the person applying for such permit shall execute unto the City and deposit with the Treasurer, a bond with corporate surety in the sum of $1,000.00, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the City pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the City, Township and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistakes or negligence on his part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The license shall also provide public liability insurance for the protection of the City, Township, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of $100,000.00 for one person, $300,000.00 for bodily injuries per accident, and $50,000.00 for property damages.

Section 2. TWO CLASSES OF BUILDING PERMITS. There shall be two classes of building sewer permits: (1) permits for residential and commercial service; and (2) permits for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A minimum permit and inspection fee
of $15.00 for a residential, $25.00 for a commercial, and $50.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed. The amount of the inspection fee may be amended from time to time by resolution of Township.

Section 3. INCIDENTAL COSTS. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the City and Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. PRIVATE DISPOSAL SYSTEM REQUIRED IF PUBLIC SANITARY SEWER NOT AVAILABLE. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the City.

Section 5. USE OF OLD EXISTING SEWERS. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and tested by the inspector or his representative, to meet all requirements of this Ordinance.

Section 6. PIPE MATERIAL REQUIREMENTS. The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications.

(a) Plastic (ABS) ASTM D 1527 (Schedule 40).
(b) Plastic (PVC) ASTM D 1785 (Schedule 40).
(c) Vitrified Clay (VC) ASTM C-700 Extra Strength.
(d) Asbestos Cement (AC) ASTM C-428 CI-2400.
(e) Cast Iron Extra Heavy ASTM A-74.
(f) Non-reinforced Concrete ASTM C-14 Extra Strength, Class 2.

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that the other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Inspector.

Section 7. JOINTS AND CONNECTION REQUIREMENTS. All building sewer joints and connections shall be made gas tight and water tight and shall conform to the requirements of the current building and plumbing codes. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section 8. SIZE AND SLOPE OF BUILDING SEWERS. The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

- 6 inch pipe - 1/8" per foot or 1" per 8 feet.
- 4 inch pipe - 1/4" per foot or 2" per 8 feet.

Section 9. ELEVATION OF SEWER AT BUILDING. No building sewer shall be laid parallel to, or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications,
except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

Section 10. SEWAGE LIFT FOR LOW BUILDING DRAIN. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

Section 11. CONNECTION BY WYE AT PUBLIC SEWER. The connection of the building sewer into the public sewer shall be made at the "wye" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated "wye" branch in the main sewer shall be made only as directed by the Inspector.

Section 12. SUPERVISION OF CONNECTION TO PUBLIC SEWER. The applicant for the building sewer shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

Section 13. PROTECTED EXCAVATION. 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 and City.

Section 14. SYSTEM CAPACITY NOT TO BE EXCEEDED. No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains and treatment plant including capacity for BOD and suspended solids in the treatment plant.

Article VI

Use of the Public Sewers
Section 1. IMPROPER TYPE OF DISCHARGE. No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. NON-POLLUTED DISCHARGE TO OTHER AREAS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial uncontaminated cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section 3. DISCHARGE QUALITY LIMITS. Except as hereinafter provided by specific limits, no person shall discharge any of the following described waters or wastes to any public sewers:

(a) BOD in excess of 200 mg/l.

(b) COD in excess of 450 mg/l.

(c) Chlorine demand in excess of 15 mg/l.

(d) Color (as from, but not limited to, dyes, inks or vegetable tanning solutions) shall be controlled to prevent light absorbancy which would interfere with treatment plant processes or that prevent analytical determinations.

(e) Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil or other flammable waste.

(f) Garbage not properly shredded (no particle size greater than 1/2 inch).

(g) Grease, oil, wax or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32°F and 150°F.
(h) Industrial wastes listed below in concentrations above those limitations set forth by appropriate state agencies to comply with federal guidelines for protection of treatment plant and receiving watercourse, and limitations set forth in Groundwater Discharge Permit.

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Or any other metallic compounds in sufficient quantity to impair the operations of the sewage treatment processes.

(i) Inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in unusual concentrations.

(j) Insoluble, solid or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc.)

(k) Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulphur dioxide, or oxides of nitrogen) and other substances capable of public nuisance.

(l) pH less than 6.5 and greater than 9.5.

(m) Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

(n) Suspended solids in excess of 200 mg/l.

(o) Temperature of wastes less than 32°F and greater than 150°F.
(p) Water or wastes containing substances which are not amenable to
treatment or reduction by the sewage treatment processes employed, or are
amenable to treatment to only such degree that the sewage treatment plant
effluent cannot meet the requirements of other agencies having jurisdiction
over discharge to the receiving waters.

(q) Discharges that would result in excess foaming during the treatment
process. Excess foaming is any foam which, in the opinion of the Director, is
a nuisance in the treatment process.

Section 4. HANDLING OF DISCHARGE WHICH EXCEEDS QUALITY LIMITS. If any
waters or wastes are discharged, or are proposed to be discharged, to the
public sewers, that contain the substances or possess the characteristics
enumerated in Section 3 of this Article, and which in the judgement of the
City may have a deleterious effect upon the sewage works, processes, equipment
or receiving waters, or which otherwise create a hazard to life or constitute
a public nuisance, the City may:

(a) Reject the wastes.

(b) Require pretreatment to the level defined as "normal strength
sewage".

(c) Require pretreatment to an acceptable level (other than normal
strength sewage) for discharge to the public sewers.

(d) Require new industrial customers or industries with significant
changes in strength or flow to submit prior information to the City concerning
the proposed flows.

(e) Charge a surcharge to the discharger.

If the City permits the pretreatment or equalization of waste flows, the
design and installation of the plants and equipment shall be subject to the
review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws.

Section 5. GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6. OPERATION OF PRELIMINARY TREATMENT. Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 7. MANHOLE FOR MEASURING INDUSTRIAL FLOW. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 8. MEASUREMENT CRITERIA. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be examined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage" and shall be
determined at the control manhole provided for, 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.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether samples should be taken. The responsibilities of industry are further defined in the "Industrial Waste Control Program" shown in Article VII of this Ordinance.

Section 9. VALIDITY OF SPECIAL AGREEMENTS WITH CITY. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

Section 10. PRETREATMENT OF INDUSTRIAL COOLING WATERS. Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.

Section 11. ENTRANCE TO PRIVATE PROPERTY BY AGENTS. Agents of the Township, City, Michigan Department of Natural Resources, or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

Section 12. DISCONTINUING SERVICE. The City may discontinue sewer service to a user who fails to comply with the conditions of this Article.
Article VII

Industrial Waste Control Program

Section 1. DELEGATION OF RESPONSIBILITY FOR INDUSTRIAL WASTE DISCHARGE. Each industry shall delegate a representative to be responsible for determining the industrial wastes admitted to the sewer system. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the sanitary sewer system. He shall be aware of all potential and routine toxic wastes generated by his industry. He shall be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

Section 2. CATALOGUE OF ALL CHEMICALS STORED, USED OR MANUFACTURED BY INDUSTRY. This industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Director and shall be treated as confidential information.

Section 3. AWARENESS OF LARGE PROCESS ALTERNATIVES. The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years - one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming.
Section 4. SKETCH OF PLANT BUILDINGS. A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.

Section 5. SEPARATION OF SPENT CONCENTRATIONS. There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as outlined in the Township's Sewer Use Ordinance, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner - such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the wastewater treatment plant.

Section 6. ADEQUATE SECONDARY CONTAINMENT OR CURBING. Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 150% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill-through or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.
Section 7. SAMPLING VAULT OR MANHOLE FOR FLOW MEASUREMENT AND SAMPLING. An adequate sampling vault or manhole must be provided in a fully accessible place for City personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Director determines necessary to protect the treatment plant and receiving streams. Should the City desire continual flow recording and long duration, 24-hour composite sampling, then a more complex manhole would be mandatory - complete with 110 volt AC. Samples collected may be divided between the industry and City for analysis if so desired by the industry. The sampling vault shall be located so as to give access by Authority personnel without entering the industrial property.

Section 8. YEARLY SURVEILLANCE FEE. A yearly surveillance fee may be initiated to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor shall be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive shall be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to ensure protection of the municipal treatment plant and biological processes involved.

Article VIII
Powers and Authority of Inspectors

Section 1. PERMISSION TO ENTER PRIVATE PROPERTY. The Operator and other duly authorized employees of the City, 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 provision of this Ordinance. The Director or his
representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

Section 2. OBSERVATION OF SAFETY RULES. While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the City or duly appointed employees of the Authority 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 Operator or duly appointed employees of the Authority, and the City shall indemnify the claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by applicable Federal and State Safety Regulations.

Article IX

Protection from Damage

Section 1. PROTECTION FROM DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Article X

Conditions of Service

Section 1. TOWNSHIP AND CUSTOMER RESPONSIBILITIES AT TIME OF SEWER CONSTRUCTION. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or easement line of all occupied premises. The City shall
maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from said lot or easement line to their premises. The customer shall maintain, at his expense, the building sewer.

Section 2. TOWNSHIP AND CUSTOMER RESPONSIBILITIES AFTER SEWER CONSTRUCTION. Those customers making connections subsequent to the time of original construction of the public sewer shall install, at their expense that portion of the building sewer from the public sewer to the lot or easement line in addition to that portion of the building sewer from said lot or easement line to their premises.

Section 3. LIABILITY FOR SEWER MALFUNCTIONS. The City and Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

Section 4. INSPECTION OF SERVICE AREA. The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

Section 5. RULES MAY BE AMENDED. These rules may be changed or amended.

Article XI

Penalties

Section 1. NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance, except Article VII, shall be served with written notice stating the nature of the violation and providing a reasonable time
limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. PENALTY FOR INDIVIDUAL. Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than $500.00 or by imprisonment of not more than 90 days, or both such fine and imprisonment.

A violation of this Ordinance is also declared to be a public nuisance and the Township or City may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore.

Section 3. PENALTY FOR BUSINESS. Any business, industry or person violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Township or City shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty would be levied in addition to the fine identified in Section 2 of this Article.

Article XII

Validity

Section 1. PREVIOUS ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. INVALID PARTS OF ORDINANCE DO NOT AFFECT OTHER VALID INDEPENDENT PARTS. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Article XIII

Ordinance in Force
Section 1. ORDINANCE IN FORCE. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Section 2. PUBLICATION AND AUTHENTICATION. This Ordinance shall be published in full in the Waterfront, a newspaper of general circulation in the City of Lake City qualified under state law to publish legal notices, within ten (10) days after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Supervisor and Township Clerk.

Section 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after adoption.
I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 4 duly adopted by the Township Board of the Township of Caldwell, County of Missaukee, Michigan, at a Special Board meeting held on October 24, 1985, at which all Members were present except None, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that Member D. Mills moved adoption of said Ordinance and that Member G. Haver supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Bridson, Wilson, McCurdy, Mills, and Haver, and that the following Members voted against adoption of said Ordinance None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Nancy E. Wilson, Township Clerk