

ORDINANCE NO. 100 AS CURRENTLY AMENDED

AN ORDINANCE REGULATING THE DISPOSITION OF GARBAGE, WASTES AND SEWAGE, THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLING AND CONNECTING OF BUILDING SEWERS, THE DISCHARGE OF WATER AND WASTES, THE ESTABLISHMENT OF RATES AND COLLECTION PROCEDURES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The TOWNSHIP OF CRYSTAL FALLS hereby ordains:

SECTION 100
DEFINITIONS

101 - APPROVING AUTHORITY shall mean the *Township* or its duly authorized deputy, agent or representative.

102 - BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C, expressed in milligrams per liter.

103 - BUILDING DRAIN shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

104 - BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

105 - COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

106 - EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

107 - FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

108 - GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and service of foods.

109 - GROUND GARBAGE is garbage that has been shredded to such degree that all particles will be carried freely in suspension under the flow

conditions normally prevailing in public sewer with no particle greater than one-half inch ($\frac{1}{2}$ ") in any dimensions.

110 - INDUSTRIAL WASTES shall mean the wastewater from industrial processes, trade, manufacturing or business as distinct from sanitary sewage.

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

112 - NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

113 - NON-RESIDENTIAL USER shall mean the wastewater produced from a building that is not solely used for one single family residential purpose. The term shall include, but is not limited to, a user producing industrial, commercial and/or institutional waste and when a non-residential user, occupier and/or tenant of a separate non-residential space within a building occurs for more than 30 consecutive days.

114 - NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence with the assumed concentrations of 200 mg/l BOD and 240 mg/l suspended solids.

115 - NPDES PERMIT (National Pollutant Discharge Elimination System Permit) shall mean the licensing method used to maintain effluent quality standards by the Department of Natural Resources when authorizing the discharge of liquid pollutant into a surface water of the State, and includes monitoring requirements and maximum contaminant levels for the discharge.

116 - PARTS PER MILLION (also milligrams per liter) is a weight to weight ratio; the parts per million value multiplied by a factor 8.345 shall be equivalent to pounds per million gallons of water.

117 - PERSON shall mean any individual, firm, company, association, society, corporation, or group.

118 - pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

119 - PRETREATMENT OR TREATMENT is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned wastewater

facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

120 - PUBLIC SEWER shall mean a common sewer controlled by a governmental agency or public utility.

121 - RESIDENTIAL USER shall mean the wastewater produced from a building that is solely used for one single family residential purpose.

122 - SANITARY SEWAGE (Also NORMAL DOMESTIC STRENGTH WASTE) shall mean any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities.

123 - SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

124 - SEWAGE is the spent water of a community. The preferred term is "wastewater".

125 - SEWER shall mean a pipe or conduit that carries wastewater, drainage water, sanitary sewage, industrial wastes and other waste liquids or liquid-solid suspensions.

126 - SHALL is a mandatory. "May" is permissive.

127 - SLUDGE shall mean discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

128 - STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

129 - STORM DRAIN (sometimes terms "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

130 - STORMWATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

131 - SUSPENDED SOLIDS (S) shall mean total suspended matter that either floats on the surface of, or is in the suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as

prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

132 - UNPOLLUTED WATER is water in quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

133 - WASTEWATER shall mean the spent water of a community including sanitary sewage and it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

134 - WASTEWATER FACILITIES shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

135 - WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

SECTION 200 REQUIRED USE OF PUBLIC SEWERS

201 - It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the **Township**, any human or animal excrement, garbage, objectionable waste, sanitary sewage or wastewater except unpolluted water.

202 - It shall be unlawful to discharge into any natural outlet within the **Township**, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

203 - 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 wastewater.

204 - The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the **Township** abutting on any streets, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and adequate facilities for the collection of sanitary sewage and wastewater and to connect such facilities and all building sewers directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within 250 feet of the property line.

205 - ALLOWABLE ON-SITE SYSTEMS. On-site disposal shall be allowed for all wastewater generators who do not have a public sewer within 250 feet of the property line and who have a construction permit from the Michigan Department of Public Health.

**SECTION 300
BUILDING AND CONNECTIONS**

- 301 - (a) No person(s) 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 Approving Authority.
- (b) No building sewer permits shall be issued by the Approving Authority where such hookup would add additional wastewater flow and thereby exceed the design capacity of the wastewater facilities.
- 302 - There shall be two classes of building sewer permits:
- (a) Residential User Service, and
- (b) Non-residential User Service.

In either case, the owner(s) or his agent shall make application on a special form furnished by the Approving Authority. The permit application shall be supplemented, at the owners expense, by any plans, specifications, or other information requested by the Approving Authority. The Approving Authority may levy a permit and inspection charge due at the time the application is filed. The amount of these charges shall be determined by Resolution adopted by the Township Board.

303 - All costs and expenses incidental to the installation and connection of the building sewer to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the Approving Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

304. A separate and independent building sewer shall be provided for every building.

305 - Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this Ordinance.

306 - The size, slope, alignment, materials and construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Approving Authority. Wastewater facilities

shall also conform to the provisions of the Water Pollution Control Federation Manual of Practice No. 9 Design and Construction of Sanitary and Storm Sewers and "10-States Standards".

307 - Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

308 - No person (s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Approving Authority for purposes of disposal of polluted surface drainage.

309 - The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Approving Authority. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Approving Authority before installation.

310 - The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Approving Authority.

311 - 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 Approving Authority.

312 - The Approving Authority may levy a connection charge upon the application for connection of a building sewer to the public sewer. The amount of this charge shall be determined by Resolution adopted by the Township Board. The amount shall be paid by the person(s) owning the building served by the building sewer. This charge shall be related to the local capital costs of wastewater collection and treatment projects.

SECTION 400 USE OF PUBLIC SEWERS

401 - SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except that storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

402 - INSPECTIONS. Authorized personnel of the **Township** may make inspections through the **Township** for sump pump connections to public sanitary sewers and illegal downspout connections. Violations will be reported to the Approving Authority.

403 - STORM SEWERS. Storm water other than that exempted under Section 401, and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Approving Authority. Unpolluted industrial cooling water or process waters may be discharged on approval of the Approving Authority to a storm sewer or natural outlet.

404 - PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer pursuant to Section 307 (a) of the Clean Water Act as amended:

- (1) Gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment works.
- (3) Water or wastes having a pH lower than 6.0 or having other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations more restrictive than the limitations established in the regulations below if, in its own opinion, such limitations are necessary to meet the above objections. In forming its opinion as to the acceptability, the Approving Authority will

give considerations to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capability of the waste in the wastewater treatment plan, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority, are as follows:

- (1) Wastewater having a temperature higher than 150 degrees Farenheight (65 degrees Celsius).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority.
- (6) Water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
- (7) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Approving Authority in compliance with state and federal regulations.
- (8) Quantities of flow concentrations, or both which constitute a "sludge" as defined herein.
- (9) Water of wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plan effluent cannot meet the requirements of the Approving Authorities' NPDES PERMIT.

- (10) Water or wastes which, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- (11) Materials which exert or cause:
- a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Works.
 - b. Unusual volume of flow or concretion of wastes constituting "sludge" as defined herein.
 - c. Unusual concentration of inert suspended solids (such as fuller's earth, lime slurries and lime residues) or dissolved solids (such as sodium sulfate).
 - d. Excessive discoloration (such as dye wastes and vegetable tanning solutions).

405 - SPECIAL ARRANGEMENTS. No statement contained in this article shall be constructed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste or unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person requesting admission of said industrial waste into the sewage works.

SECTION 500 INDUSTRIAL WASTE DISCHARGE TO PUBLIC SEWERS

501 - Within three (3) months after passage of this Ordinance each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

The minimum information required is outlined in the Industrial Sewer Connection Application called for in this Ordinance.

502 - When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Section 204, a request for extension of time may be presented for consideration of the Approving Authority.

503 - If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 404 and which, in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health or constitute public nuisance the Approving Authority may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge and/or;
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

504 - Each person discharging industrial wastes into a public sewer shall upon request of the Approving Authority construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

505 - The volume of flow used for computing industrial wastes collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Owner except as noted in Section 507.

506 - In the event that a person discharging industrial, commercial and/or institutional waste into the public sewers produces evidence satisfactory to the Approving Authority that more than twenty (20) percent of the total annual volume of water used for all purposes does not reach the

public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person.

507 - Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined. Metering devices for determining the volume of waste shall be purchased, installed, owned, and maintained by the person discharging the waste. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

508 - Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the Industry as often as may be deemed necessary by the Approving Authority.

Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.

509 - The Approving Authority may, at its option, install such structures and equipment and perform monitoring, sampling and laboratory analyses called for above. In such cases all structures and equipment shall be considered a part of the wastewater treatment works and the costs of construction, operation and maintenance of same shall be incorporated in the service charge of the industrial user.

510 - When, in the opinion of the Approving Authority, and in accordance with Title 40, Part 403 of the Code Deferral Regulations pursuant to Section 307(b) of the Clean Water Act, as amended, and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person so discharging shall provide, at his expense, such preliminary treatment or processing facility as the Approving Authority may determine necessary to render his waste acceptable for admission to the public sewers.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Approving Authority shall notify all affected users of the applicable reporting requirements.

511 - Grease, oil and sand interceptors shall be provided by the Owner, at his expense, when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes as described in this Ordinance, or any flammable wastes, sands, or other harmful ingredients; except that such interceptors shall not be required for residential users. All interceptions shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Approving Authority. Any removal and handling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

512 - All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with Title 40, Part 136 of the Code of Federal Regulations and in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character or concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analysis on the wastes and these determinations shall be binding as a basis for treatment service charges.

513 - Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

SECTION 600

IDENTIFICATION, RIGHT OF ENTRY AND SAFETY

601 - IDENTIFICATION, RIGHT TO ENTER EASEMENTS. Duly authorized agents of the Approving Authority, bearing proper credentials with identifications, shall be permitted to enter all private properties through which the Approving Authority has a duly negotiated easement for the purpose of installation, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, in any of the easement.

602 - RIGHT OF ENTRY. Duly authorized agents of the Approving Authority, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of investigations to determine compliance with the provisions of this Ordinance. They shall have no auth-

ority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment.

603 - SAFETY. While performing the necessary work on private premises, investigators shall observe all safety rules applicable to the premises established by the company.

**SECTION 700
RATES AND COLLECTION PROCEDURES**

701 - The Approving Authority by resolution adopted by the Township Board shall establish rates for the users of the public sewer. The rates established shall provide that the users of the public sewer shall pay all costs to operate the public sewer and generate adequate retained earnings for the Sewer System Ordinance fund.

702 - The rates established shall provide a minimum for the following categories of expenses:

- (a) Debt service;
- (b) Operation, Maintenance and Repair;
- (c) Minimum monthly charge;
- (d) Connection charge/Reconnection charge;
- (e) Installation charge;
- (f) Base rates for permit and inspection services;
- (g) Late payment and interest charges; and
- (h) Security Deposit requirements.

The operation, maintenance and repair expense shall include the cost to operate, maintain and repair the sewer system within the Township and the cost to operate, maintain and repair the sewer system within the City of Crystal Falls. The formula to establish the cost to operate, maintain and repair the sewer system within the City of Crystal Falls has been contractually established at 130 percent of the operation, maintenance and repair cost of the same classes of users within the City of Crystal Falls.

703 - The rates established shall provide at a minimum for the following categories of users:

- (a) Residential user - The water service for all residential users shall be metered on or before October 30, 2008.
- (b) Non-residential user - The water service for all non-residential users shall be metered.

704 - The City of Crystal Falls shall be paid monthly by the **Township** the contractually established amount owed to operate, maintain and repair the sewer system within the City of Crystal Falls. The monthly payments shall be accompanied with a written certification of the number and type of users for the preceding calendar month within the **Township**.

705 - Any consumer with public sewer service charges that remain unpaid for more than 45 days after the original payment date shall be notified in writing that a disconnect of public sewer services will occur ten (10) days after the date of such notification, unless all outstanding sewer service charges are paid in full to the Township Clerk. All sewer charges for the use of service shall be lien on all parcels served by the public sewer in the **Township** and are recognized to constitute such lien as permitted by MCL 141.101 et seq and all other applicable Michigan laws.

Whenever such charges against any piece of property shall be delinquent for four (4) months, or have a two month or longer history of delinquency prior to the preparation of the upcoming tax roll, the official or officials in charge of the collection thereof shall certify to the tax assessing official of the **Township** the fact of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected as a lien thereof and enforced in the same manner as all taxes against such premises are collected and the lien thereof enforced. Provided, however, where written notice is given that a tenant is responsible for such charges, which notice shall include a true copy of the lease of the affected premises, no further service shall be rendered to such premises until a cash deposit shall have been made as security for payment of such charges and service. In addition to other remedies provided, the **Township**, shall have the right to discontinue sewage disposal service to any premises for the non-payment of sewage disposal system rates and charges when due. If such rates and charges are not paid within forty-five (45) days of original due date, then sewage disposal to such premises shall be discontinued. Sewage disposal services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a reconnection charge.

706 - **Identity Theft Prevention Program.** A written program in furtherance of the Fair and Accurate Credit Transactions Act of 2003 and the rules adopted thereto shall be developed by the Township which shall include reasonable policies and procedures for detecting, preventing and mitigating identity theft and enable the Township to:

1. Identify relevant patterns, practices and specific forms of activity that are "red flags" signaling possible identity theft and incorporate those red flags into the plan;
2. Detect red flags that have been incorporated;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the program is updated periodically to reflect changes and risks.

SECTION 800
DAMAGE OR TAMPERING WITH SEWAGE FACILITIES

801 - WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, public sewer or wastewater facilities.

SECTION 900
VIOLATIONS AND PENALTIES

901 - WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance, except for a Section 801 violation, shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The ceasing of violation will not absolve the violator of liability for any violation occurring prior to such cessation.

902 - ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as reasonably established by the Approving Authority.

903 - PENALTY FOR VIOLATIONS. Any person that shall violate this Ordinance, shall upon conviction thereof, be guilty of a civil infraction and punished by a civil fine of not to exceed \$500.00, together with necessary costs of prosecution incurred in bringing and maintaining the proceedings. In the event the person found violating the provisions of this ordinance, has been convicted of one or more violations of this ordinance within the immediately preceding 120 month period, then the subsequent violation of the provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, together with the necessary costs of prosecution incurred in bringing and maintaining the proceedings. Each day in which any continuing violation is continued beyond the aforementioned notice time limit shall be deemed a separate offense.

904 - LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall be liable to the Approving Authority for any expenses, loss or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof.

905 - ENFORCEMENT OFFICIAL. The Township Supervisor or the designee therefore is designated and authorized to undertake all actions necessary for the enforcement of this ordinance.

SECTION 1000
ADMINISTRATIVE APPEALS - BOARD OF APPEALS

1001 - So provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Supervisor and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

1002 - An informal hearing before the Township Supervisor may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Township Supervisor.

1003 - Appeals from orders of the Township Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Township Supervisor and with the Board, specifying the ground therefore. Prior to a hearing, the Township Supervisor shall transmit to the Board a summary report of all previous action taken. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each question considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

1004 - All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the **Township**. Upon resolution of any appeal, the **Township** shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

1005 - If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

1006 - Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the County of Iron within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act being MCL 24.201 et seq. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION 1100 VALIDITY

1101 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

1102 - INVALIDATION CLAUSE. Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

SECTION 1200 EFFECTIVE DATE

1201 - EFFECTIVE DATE. This Amended Ordinance shall take effect and be in force on and after the 24th day of September, 2007.

TOWNSHIP OF CRYSTAL FALLS