

**VILLAGE OF ROSCOMMON
ORDINANCE #2-A
SEWER USE ORDINANCE**

An Ordinance Regulating The Use Of Public And Private Sewers And Drains; Private Sewage Disposal; The Installation And Construction Of Building Sewers And Discharge Of Waters And Wastes Into The Public Sewer System; Fixing And Collection Of Charges, And Providing Penalties For The Violation Thereof In The Village Of Roscommon, County Of Roscommon, And State Of Michigan.

THE VILLAGE OF ROSCOMMON ORDAINS:

SECTION I. OBJECTIVE

This ordinance sets forth uniform requirements for the direct and indirect contributors into the wastewater collection and treatment system for the Village of Roscommon and enables the Village to comply with all applicable state and federal laws.

The objectives of this ordinance are:

To prevent the introduction of pollutants into the municipality waste water system that will interfere with the operation of the system or contaminate the resulting bio-solids,

To prevent the introduction of pollutants into the municipal waste water system that will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system.

To improve the opportunity to recycle and reclaim waste waters and bio-solids from the system, and

To provide for equitable distribution of the cost of the municipal waste water system

SECTION II (1) DEFINITIONS

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

"ACT" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

"Approval Authority" shall mean the director in a NPDES state that has an approved state pretreatment program.

"Bio-solids" shall mean precipitated solid matter produced by the sewage treatment process.

"B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million by weight.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drain pipes inside the walls of the building and conveys it to the building sewer beginning approximately five feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the property line.

"Categorized Standards" shall mean the national categorical pretreatment standards or pretreatment standard.

"Combination Sewer" or **"Combined Sewer"** shall mean a sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

"Compatible Pollutant" shall mean a substance amenable to treatment in the Village wastewater treatment facility, such as biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus "additional pollutants" identified in the NPDES permit of the Village wastewater treatment facility.

"Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

"Council" shall mean the duly elected governing body of said Village.

"Delivery Flow Rate" shall mean information establishing rate of flow during daily or weekly intervals, or portions of the day in unit-time designation such as gallons per day and fluctuations.

"Department" shall mean the Village Department of Public Works.

"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the water of the State of Michigan.

"Director of Public Works" shall mean the person designated by the Village to supervise the operations of the publicly owned treatment facility.

"Discharge" shall mean spilling, leaking, seeping, pumping, pouring, emitting, emptying, dumping or depositing.

"Domestic Waste" shall mean waste normally emanating from residential living units and resulting from the day-to-day activities usually considered to be carried on in a domicile. Waste emanating from other users which is to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

"Garbage" shall mean the wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.

"Grab Sample" shall mean a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Ground Water" shall mean the water beneath the surface of the ground, whether or not flowing through known or definite channels.

"Holding Tank Waste" shall mean any waste from holding tanks such as, but not limited to, vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Impoundment" shall mean any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

"Incompatible Pollutants" shall mean all pollutants that are not defined as compatible.

"Incompatible Waste" shall mean any items introduced into the sanitary sewer system that may damage or obstruct the public sewer disposal system.

Such items include, but are not limited to, rags, sanitary napkins, tampon applicators, nylons; items made of cloth, non-soluble items and other similar items.

"Indirect Discharge" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act into the publicly owned treatment facility (including holding tank waste discharged into the system).

"Significant User" shall mean any non-governmental, non-residential user of the publicly owned treatment facility which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of normal domestic sewage (excluding domestic wastes or discharges from sanitary conveniences; contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; is designated as such by the Village on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Pretreatment Requirement (in accordance with 40 CRF 403.8(f)(6)); all Industrial Users subject to Categorical Pretreatment Standards under 40 CRF 403.6 and 40 CFR Chapter 1, Subchapter N. Also included in this definition is any non-governmental user of the publicly owned treatment facility which discharges waste water to the treatment facility which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other waste, to contaminate the bio-solids of any municipal system or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment facility.

"Industrial Waste" shall mean any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids.

"Letter of Intent" shall mean notification from a significant industrial user to the Village of that user's intent to utilize a publicly owned treatment facility for a given length of time.

"Licensed (Certified) Operator" Shall mean a person designated by the Village who has met the requirements to operate and maintain the wastewater facilities. In addition, has been issued a license or certification by the Department of Environmental Quality.

"Major Contributing Industry" shall mean an industry that:

- a. Has a flow of fifty thousand (50,000) gallons or more per average workday;
- b. Has a flow greater than five (5) percent of the flow carried by the municipal system receiving the waste.

"Multi Service Unit" shall mean more than one service per unit.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of water, either surface or ground water.

"Normal Domestic Waste" shall be defined as wastes normally emanating from residential living units and resulting from the day-to-day activities usually considered to be carried on in a domicile. Wastes emanating from other users which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

"Person" shall mean an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee,

agent or any other legal entity. It does not include a governmental entity unless specifically provided. PFAS means per - or polyfluorinated alkyl substances.

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

"Pollution" shall mean the placing of any noxious or deleterious substance in any water of the Village in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or aquatic life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

"Pretreatment" shall mean treatment of wastewater from sources before introduction into the Village sewerage system.

"Private Sewage Disposal System" shall mean a system for disposal of domestic sewage by means of a septic tank or mechanical treatment, designed for use apart from a public sewer.

"Producer" shall mean any person who owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

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

"Public Sewer" shall mean a sewer that in the public right-of-way, which is owned and maintained by the Village.

"Regional Administrator" shall mean one of the EPA regional administrators.

"Reserve Capacity" shall mean that unused portion of a treatment facility's capacity that has formally been set aside for use by a specific industry and is so identified by a formal binding agreement. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included when determining the reserve capacity to insure a proportional distribution of the cost recovery obligation.

"Salt" shall mean sodium chloride and calcium chloride or a combination thereof in solid or liquid form.

"Sanitary Sewer" shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions.

"Sewage" (waste water) shall mean any liquid or water carried waste from residential, business buildings, institutions, industrial, commercial and governmental establishments, or other places together with such groundwater infiltration, surface waters, and storm waters as may be present.

"Sewage Treatment System" shall mean pipe lines or conduits, pumping stations, force mains and all other construction, devices, appurtenances and facilities used for collecting or conducting waterborne sewage, industrial waste or other waste to a point of disposal or treatment and including the Waste Water Treatment Facility, including all extensions and improvements thereto which may hereafter be acquired or constructed.

"Sewer" shall mean any pipe, tile, tubes, or conduit for carrying sewage and devices or structures required for pumping, lifting or collecting such sewage.

"Shall" is mandatory. **"May"** is permissive.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in rate of flow exceeds for a period of duration longer than fifteen (15) minutes more than five (5) times the average rate for a twenty-four (24) hour period during normal operation.

"Storm Sewer" or **"Storm Drain"** shall mean a sewer intended to carry only storm waters, surface runoff, street wash water, subsoil drainage and non-contact cooling water but which excludes sewage and polluted industrial wastes.

"Stream" shall mean any river, creek or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flow be uniform or interrupted.

"Surcharge" shall mean the additional charge, which a user discharging wastewater of strength in excess of the limits for normal domestic sewage set by the Village for transmission and treatment with the sewerage system will be required to pay to meet the cost of treating excessive strength wastewater.

"Suspended Solids" shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Tenant" shall mean a person who leases property from an owner.

"User" shall mean any person, tenant, establishment or owner who discharges any domestic sewage or industrial waste into the sanitary sewer system of the Village or any system connected thereto.

"User Charge" shall mean a charge levied on users of the sewage treatment system for the cost of operation, maintenance and replacement of such system.

"Unit" shall mean an independent living area that includes at least one restroom and kitchen facility.

"Village" shall mean the Village of Roscommon, Michigan.

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

(2) ABBREVIATIONS

Abbreviations shall have the designated meanings:

ASTM	-	American Standard Testing Measures
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
DPW	-	Department of Public Works
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	-	Total Suspended Solids
USC	-	United States Code

WWTF - Waste Water Treatment Facility

SECTION III
USE OF PUBLIC SEWERS REQUIRED

Unlawful discharge - It shall be unlawful for any person to place, discharge or permit to be discharged in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other waste or waste water, unless licensed to do so by the Village or as controlled by other ordinances.

DISCHARGE TO NATURAL OUTLET - It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the standard of the Department of Environmental Quality of the State of Michigan.

PRIVATE WASTE WATER DISPOSAL - 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.

MANDATORY CONNECTION - The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Village 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 Village is hereby required, at the owner's expense to install suitable plumbing facilities therein in accordance with the plumbing code currently enforced by the Village and to connect such facilities directly to the public sewer in accordance with the provisions of this ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within 100 feet of the nearest property line of said premises and there is sufficient capacity in the collection and treatment systems or unless relief is granted by the Village Council for unique circumstances when an alternative type of acceptable disposal system under this ordinance is provided.

UNLAWFUL USE - No person shall discharge any waste or other substance directly into a manhole, catch basin or sewer inlet. All discharges to the sewer shall be through a sewer connection. Nothing in this provision shall restrict the use of the catch basis for storm water in the storm sewer system.

PRIVATE SEWAGE AND HOLDING TANK WASTE DISCHARGE - No private wastewater shall be discharged into the Village sewage system. This shall include discharge from septic waste haulers.

STORM WATER DISCHARGE PERMIT - A permit shall be required for all storm water connections to any natural outlet in the Village or any area under the jurisdiction of the Village. The Village does not run a combined sewer.

SECTION IV
PRIVATE SEWAGE DISPOSAL

NON-AVAILABILITY OF SEWER - Where a public sanitary sewer or combined sewer is not available under the provisions this ordinance, the building sewer shall be connected with a private sewage disposal system in accordance with the provisions of this ordinance and other ordinances of the Village and the plumbing code currently administered by the Roscommon County Public Health Department where applicable.

PRIVATE DISPOSAL PERMIT - No person shall construct or install a private sewage disposal system without first applying to the Roscommon County Public Health Department for and obtaining a permit to construct and operate the system. A copy of this permit must be filed with the Village Clerk.

INSPECTIONS REQUIRED - A permit to operate a private sewage disposal system shall not become effective until such installation is approved by the Roscommon County Public Health Department which shall be allowed to inspect such system at any state of construction. The applicant for the permit shall notify Village Hall and the Roscommon County Public Health Department when the system is completed and ready for final inspection but before any underground portions are covered.

HEALTH REQUIREMENTS - The type, capacity, location and layout of any private sewage disposal system shall comply with the rules and regulations of the department of health of the state and the Roscommon County Public Health Department. No private sewage disposal system shall be located within 250 feet of any municipal water supply source.

ILLEGAL DISCHARGE - No private sewage disposal system shall be permitted to discharge into any impoundment, stream, surface water or other watercourse.

REQUIRED ABANDONMENT OF PRIVATE FACILITIES - At such time as the public sewer becomes available to a property served by a private sewage disposal system, as provided in this ordinance, a direct connection shall be made to the public sewers in compliance with the provisions of this ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities, shall be abandoned and filled in with suitable material as specified by the Public Health Department or the department, such as sand, gravel or concrete.

CONTINUAL OPERATION - The owner of a private sewage disposal system shall operate and maintain such system in a sanitary manner at all times and at no expense of the Village.

SECTION V **BUILDING SEWERS AND CONNECTIONS**

UNLAWFUL PROCEDURE - It shall be unlawful for any person or owner to do any excavating, tap or make connections with the public sewer system without first obtaining permission of the Village of Roscommon as herein provided.

COST OF INSTALLATION - All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the Village for all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

CONNECTION TO PUBLIC SEWER SYSTEM - The applicant for a sewer connection permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The Director of Public Works or designated representative shall then inspect the installation and, if such construction is found to conform to the established specifications, and be in a safe and sanitary condition, approval shall be granted to connect the building sewer to the public sewer system.

SEPARATE SERVICES - A separate and independent building sewer shall be provided for every building. Wherever practical, a separate and independent sewer service will be provided for separate buildings on the same property where each building will be used as independent living quarters. Wherever practical, when a commercial building is constructed so as to handle more than one business establishment, a separate sewer service will be provided for each area of the building that will be a separate business establishment.

SEWER REQUIREMENTS - All sewer connections shall be made with approved sewer pipe not less than six (6) inches in diameter and at such locations in the public sewers where branches, wyes or tees were placed for that purpose, if any. Where there are not branches, wyes or tees, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the Director of Public Works; the connection shall be made by a saddle device approved by the Village DPW. All work for the purpose of making sewer connections shall be done in compliance with the rules and regulations of the plumbing code adopted by the Village and this ordinance. Whenever any existing sewer connections have been made with pipe smaller than six (6) inches internal diameter, then a stub connection not less than six (6) inches in diameter shall be constructed from the main to the property line to serve such premises. However, the owner of any lot or parcel of land having a sewer connection of less than six (6) inches internal diameter will not be required to connect to the new stub connection until such time as the existing connection is inadequate or required repairing in public property. In no case shall the Village issue a permit to repair an existing connection less than six (6) inches in diameter under a pavement or gravel street where a six-inch stub line has been constructed. If there is no six-inch stub line constructed, then the connection of less than six (6) inches in diameter shall be replaced with a six-inch tile at the time when replacement or repair become necessary. The materials of construction and construction methods must meet the requirements of the Village.

The Village may require a given material because of the location of the building sewer in relationship to the water service or because of the existence of tree roots or the condition of the soil in which the sewer is located.

The slope of the building sewer shall be subject to the approval of the Director of Public Works, but in no event shall the slope of 6" pipe be less than 1/8" per foot, and for 4" pipe no less than 1/4" per foot.

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. The building sewer shall be laid at uniform grade and in a straight alignment as far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

All excavating required for the installation of a building sewer shall be open dry trench work unless otherwise approved by the Director of Public Works. Pipe laying and back fill shall be performed in accordance with ASTM specifications, except that no back fill shall be placed until the Director of Public Works has inspected the work.

All joints and connections shall be made gas tight and watertight.

The actual connection of the building sewer to the public sanitary sewer shall be made only in the presence of the Village Director of Public Works or designee. The Director of Public Works, depending upon the circumstances involved, shall determine the method of the actual connection.

FAILURE TO CONNECT - In the event the owner of a parcel of land fails to connect within the time allotted by this ordinance, the Village shall proceed to make such action as is authorized to require the connection.

WORK ON PRIVATE PROPERTY - Excavation and backfill for building sewers on private property shall be made by the owner or his contractor. A licensed plumbing contractor or a licensed sewer contractor shall make connections and installation of the building sewer on private property. All work must conform to current plumbing code standards. As built drawings of the sewer service line must be furnished the Village of Roscommon prior to connection.

USE OF EXISTING SEWERS - Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Village, to meet all requirements of this ordinance.

ELEVATION OF CONNECTION - Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest 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 means approved by the superintendent and discharged to the building sewer. The installation, maintenance, operating costs, repair and replacement costs of such lift shall be the sole responsibility of the property owner.

SURFACE RUNOFF CONNECTIONS - The Village does not have a combined sewer system. No person or owner shall make connection of roof downspouts, areaway drains, or other sources of surface runoff to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

GROUNDWATER CONNECTIONS - The Village does not have a combined sewer system. Exterior foundation drains, interior drains, sumps or other sources of groundwater shall not be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION VI **PERMITS**

APPLICATION FOR CONNECTION - An application for connection to the Village sewage treatment system shall be required for all new buildings within the Village except for those areas exempted under Section III of this ordinance. Such application shall be obtained at the Village Hall.

FEES - A person granted a connection permit for the purpose of connecting with any interception sewer shall pay a connection charge. This charge shall be set by council resolution. The connection charge shall be paid at the time of application for a connection permit. The connection charge shall be exclusive of any additional charge for engineering or inspection charges. For connections that are charged a base fee and additional charges based on size, the base connection fee must be paid at the time of application and all additional charges must be paid prior to issuance of an occupancy permit for the building.

RECORD KEEPING - The Village Manager shall keep a record of all permits granted under the authority of this ordinance. Information shall include the name of the applicant and contractor, the date of connection, the location of the work and the place in the street where the connection is to be made.

SECTION VII **RATES AND CHARGES**

It is the duty of the Village to render bills for the sanitary sewer service and all other charges in connection therewith and to collect all monies due therefore from.

Charges for use of the sewage disposal system of the Village are hereby established for the purpose of maintenance, operation, repair, replacement of said system, expansion or reconstruction of facilities associated with the system, refunding to the U.S. Treasury, and interest and principal on construction bonds. Such charges shall be made against all premises which have sewer connections with the sewer system of the Village or which may otherwise discharge sewage, either directly or indirectly, into such system or any part thereof.

No free service shall be furnished to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Inside the Village - Charges for users inside the Village shall be a base charge per month for all users, plus a volume charge for sewer discharge into the system. Volume shall be assessed at rate based on a per 1,000 gallon usage. The base rate and volume charges are set by council resolution.

Outside the Village - Charges for users outside the Village shall be a base charge per month for all users, a volume charge for sewer discharge into the system and a surcharge. Volume shall be assessed at rate based on a per 1,000 gallon usage. The base rate, volume charge and surcharge are set by council resolution.

Multi Service Units - Charges for multi service units will be assessed for each unit over one and will be set by council resolution.

Unmetered sewer users - In the event a lot, parcel of real estate or building discharges sewage either directly or indirectly, into the public sanitary sewer system of the Village, and the Village finds it is not practicable to attempt to measure such wastes by meter, it shall measure the same in such a manner and by such method as it may find practicable in the light of the conditions and attendant circumstances of the case in order to determine the rates and charges according to the corresponding rates provided in the Ordinance. If the Village finds that it is practicable to attempt to measure such wastes by meter, then the owner of the property shall install a meter acceptable to the Village upon ten (10) days' written notice.

Industrial waste charge - Premises or establishments, contributing "Industrial Wastes", shall pay a rate, established by the Village Council, based on the character and quantity of the waste.

Industrial cost recovery charge - In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Village shall have the right to base its charges not only on volume but also on the strength and character of the sewage and wastes discharged, either directly or indirectly, into the Village's public sanitary sewer system in such manner and by such method as it may find practicable, in the light of the conditions and attending circumstances of the case in order to determine the proper charges. Said charges shall, where deemed necessary, be adjusted on a flat rate basis by the year.

Determination of use - The determination of gallonage use shall be determined by the water meter usage, except as hereinafter otherwise provided for.

Exclusion of water not discharged into system - The quantity of water a property utilizes in a manner which is not discharged into the Village sewage disposal system may, at the option of the owner or tenant of the property, be determined by measurement by a device installed and maintained without cost to the Village. No such device shall be installed or used for such purpose without the prior approval of the Village.

Billings - Bills for the rates and charges shall be sent monthly, with meters to be read or estimated every month. All bills shall be payable on the 20th day of the month of the bill, and shall be paid at the office of the Treasurer of the Village. If any charge for the services of the system are not paid by the 20th day of the month in which it shall become due and payable, a late payment charge of ten percent (10%) of the amount of the bill shall be added there to and collected there with. If any bills for the service shall remain unpaid after 25 days following the rendition of the late payment charges there of, the sanitary sewer service for the lot, parcel of

land, or premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges, in addition to the payment of a charge to be set by council resolution.

When new services are installed, billings will begin when the connection is made. If a house is habitable and/or has an established service, then a base charge will be assessed to the property. Once established, service can only be discontinued/disconnected when the structure, which was being serviced, has been demolished/removed. When a service is to be discontinued or disconnected and a base charge is no longer paid, then this is to be ordered in writing and placed on file with the Village Manager, stating that the service is to be terminated and that there will be a new permit purchased when the service is again desired at this location.

Billing liability - The owner of the premises served shall be liable for all charges associated with the sanitary sewer service provided said premises. All sewer charges will be sent to the property owners on record in Village Hall. The only exception to this procedure will be that the billing can be sent to businesses that lease commercial buildings, with the concurrence of the building owner.

If residential property is being rented or leased to another person or persons, a copy of the billing may be furnished to the renter/lessee with authorization of the owner. It will be the responsibility of the property owner to see that the charges are paid in full. Any unpaid balances at the end of the Villages fiscal year may be added to the tax roll.

If a home/building is bought/sold with any outstanding sewer billings, these amounts become the responsibility of the new owner.

Lien on property - Charges for use of the Village's sewer system to any premises shall be a lien thereon, and if are delinquent for more than six (6) months shall be certified by the Village Treasurer who shall enter the unpaid charges, plus late fees, plus a ten percent processing and collection fee on the total amount due, upon the next tax roll against the premises to which such services have been rendered, and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll; provided that the treasurer, upon certification, shall notify the owner of the premises, by first class mail at his/her last known address, of the Village's intent to place the charges as a lien if said charges are not paid in full within fifteen (15) days of the mailing of said notice.

The treasurer shall enter the unpaid charges, late fees, processing and collections fees upon the tax rolls fifteen (15) days after notice is sent as herein specified.

Accounting for sewer system - All revenues and monies derived from the operation of the sanitary sewer system shall be paid to and held by the Treasurer separate and apart from all other funds of the Village. All said sums and all other fund and monies incident to the operation of said system, as may be delivered to the Treasurer, shall be deposited in a separate fund designated as the "Sanitary Sewer System Fund Account," and said Treasurer shall administer said fund in every respect in a manner provided by the laws of Michigan and all other laws pertaining there to.

The Village shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the Sanitary Sewer System and at regular annual intervals of the Village Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sanitary sewer system.

SECTION VIII
DISCHARGE CONTROLS

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage into the Village Sewage Treatment System. Cooling water or unpolluted industrial process waters may be discharged to the sewer system when a written permit has been issued.

Any person, business, or industry planning to discharge or place anything in the sanitary sewer system, other than normal domestic waste, must notify the Village DPW before discharge or placement. Such person, business, or industry must file an Industrial Pretreatment Permit (IPP) application with the Village and wait for appropriate approval before discharge or placement.

Property owners will be responsible for proper use and security of cleanout access points to prevent the infiltration of groundwater, rainwater, snowmelt, and any other substance or liquid that would have adverse effects on the sanitary sewer system.

Any person violating any provisions of this Section shall be responsible for any civil infraction. The penalty for the first offense shall be no more than \$500 and for the first repeat offense, no more than \$750.00. Repeat offense shall be defined as a violation of said ordinance which has been ticketed for within the past 365 days. For any second or subsequent repeat offense, the fine shall be no more than \$1,000.00. It shall be the duty of the Village Manger of the village of Roscommon, or authorized representative, to enforce the provisions of this Ordinance. If, after investigation, the Village Manger, or authorized representative, determines that a violation of this Ordinance exists, he shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994. To be a public nuisance. Any violation of this ordinance is also hereby declared to be a public nuisance per se which can be abated in Circuit Court either in lieu of, or in addition to, criminal prosecution.

SECTION IX
REGULATION OF PUBLIC SEWERS

LIMITS - Use of public sewers shall be limited to those discharges that are not harmful to the public sewerage system, the sewage treatment facility or the stream receiving the sewage treatment facility effluent. In the event that natural or man-made occurrences are detrimental to the water welfare of the community, industrial wastes could be prohibited, wholly or in part, at any time.

PROHIBITED DISCHARGE - Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes, directly or indirectly, to any public sewer.

- a. Broadly, any water or waste will be prohibited that may cause damaging, hazardous or unhealthful effects by:
 - i. reacting chemically, either directly or indirectly, with the sewage treatment system;
 - ii. Having a mechanical action that will destroy or damage the sewage treatment system;
 - iii. Restricting the hydraulic capacity of the sewage treatment system;

- iv. Restricting the normal inspection or maintenance of the sewage treatment system;
- v. Placing unusual demands on the sewage treatment system;
- vi. Limiting the effectiveness of the sewage treatment system;
- vii. Being dangerous to public health or safety; and
- viii. Causing obnoxious conditions adverse to the public interest.

b. Specifically, any of the following wastes shall be prohibited:

- i. Having a pH below six (6.0) or above nine (9.0);
 - ii. Containing more than ten (10) mg/l of the following gases:
 - Hydrogen sulfide
 - Sulfur dioxide
 - Oxides of nitrogen
 - Any of the halogens
 - iii. Containing any explosive liquid, solid or gas;
 - iv. Containing any flammable substances with a flash point lower than one hundred eighty-seven (187) degrees Fahrenheit;
 - v. Having a temperature below thirty-two (32) degrees Fahrenheit (zero degrees Celsius) or above one hundred four (104) degrees Fahrenheit (forty degrees Celsius) at the sewage treatment facility;
 - vi. Containing grease or oil or other substance that will solidify or become viscous at temperatures below one hundred (100) degrees Fahrenheit;
 - vii. Containing insoluble substances in excess of one thousand (1000) mg/l
 - viii. Containing total solids (soluble or insoluble substance) in excess of two thousand (2000) mg/l;
 - ix. Containing insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than one-half (1/2) inch;
 - x. Containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals;
 - xi. Having a chlorine demand greater than fifteen (15) mg/l in thirty (30) minutes;
 - xii. Containing more than five (5) mg/l of any antiseptic substance;
 - xiii. Containing phenols in excess of two-tenths (0.2) mg/l or as approved by the Michigan Water Resources Commission;
- Containing mercury greater than 0.2 micrograms per liter (ug/L)

- xiv. Containing any toxic or irritating substance, which will create conditions hazardous to public health and safety;
- xv. Containing grease, oil or any oil substance exceeding one hundred (100) mg/l;
- xvi. Containing radioactive wastes or isotopes;
- xvii. Being of sufficient flow or concentration or both to be defined as a "slug" under this ordinance;
- xviii. Containing any bio-solids or precipitates of extractions resulting from any industrial or commercial treatment or pretreatment of any wastes of such;
- xix. Containing any waste of such character and quantity that unusual attention or expense is required for processing.
- xx. Having discharge concentrations of incompatible pollutants exceeding the standards of the latest published guideline established by the state and federal governments for the effluent of the Village treatment facility as provided in this ordinance.
- xxi. Containing PFAS in quantities that would cause the Village treatment facility to violate State Water Quality Standards for PFAS.

POINT OF APPLICATION - The above preceding standards and regulations, unless otherwise noted, are to apply at the point where the wastes are discharged into a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

FEDERAL CATEGORICAL PRETREATMENT STANDARDS - Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS - Where the Village's wastewater treatment systems achieves consistent removal of pollutants limited by federal pretreatment standards, the Village may apply to the approval authority for modification of specific limits in the federal pretreatment standards. **"Consistent removal"** shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the act. The Village may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

SECTION X
PRETREATMENT

Discharge Permit - Persons who discharge incompatible pollutants or compatible pollutants to the public sanitary sewer in excess of the limits established in this ordinance, or as amended, shall obtain a discharge permit in accordance with this ordinance and provide pretreatment of their discharge at their expense in accordance with this ordinance. Persons who provide pretreatment shall obtain a discharge permit from the Village. Grease, oil and sand traps required by the Village shall be installed and maintained at no expense to the Village.

Interceptors - Grease, oil, and sand interceptor; grinder pumps; and/or bar screens shall be provided when in the opinion of the Village Council or its designated representative they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any inflammable wastes, sand, incompatible waste or other harmful ingredients, except that such interceptor/screen shall be a type and capacity approved by the Village Council or its designated representative and shall be located so as to be readily accessible for cleaning and inspection.

Grease and oil interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water tight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

Where installed, all grease, oil and sand interceptors, grinder pumps; and/or bar screens shall be maintained by the owner, at his expense, in continuously efficient operation at all times. The admission by any person into the public sewers or any waters or wastes having a daily average flow greater than 2% of its average daily sewage flow shall be subject to the review and approval of the Village Council or its designated representative.

Incompatible pollutants - Persons discharging incompatible pollutants, other than those described in this ordinance, which are strictly prohibited from being discharged into the sewerage system, shall reduce their incompatible pollutants to levels attainable through the application of the best practicable control technology currently available, as defined in Section 304(b) of the Federal Water Pollution Act Amendments of 1972 (PL 92-550), unless otherwise indicated in the discharge permit. If the licensed operator in-charge finds that the treatment plant can reliably remove certain incompatible pollutants, the Village may enter into a contract with the person making the discharge for the purpose of treatment the pollutants for a fee or extra strength surcharge and allowing the discharge. This shall be so indicated in the discharge permit. This credit may be rescinded at any time.

All persons discharging or proposing to discharge any toxic pollutants, as defined in Section 307(a)(1) of the above act, shall apply for permission for such discharge from the Village. Attainment of allowed concentrations by dilution will not be allowed as a manner to meet discharge standards.

Excess pollutants - Persons discharging pollutants in excess of the limits listed below shall be subject to review by the licensed operator in-charge. The licensed operator shall determine the type or amount of pretreatment required at the user's expense, or he may enter into a contract with the person making the discharge for the purpose of treatment the pollutants for a fee and allow the discharge. The Village's determination shall be based on the engineering study prepared at the user's expense. The discharge from the user shall be subject to provisions of this ordinance when the following

limits are exceeded:

- a. Five-day BOD greater than two hundred fifty (250) mg/l.
- b. Oil or grease greater than one hundred (100) mg/l.
- c. Total phosphorous greater than fifteen (15) mg/l.
- d. Average daily flow exceeding three (3) percent of the total daily design flow of the sewage treatment plant.
- e. Suspended solids greater than three hundred (300) mg/l.

Control manholes - When the Village has determined that it is necessary to ascertain the character of discharge to the public sewerage system, the owner of such property served by a sewer connections shall install approved control manholes on the connections to allow observations, sampling and the measurements of all substances and discharges therein. The cost of the manholes and all equipment considered necessary by the Village for sampling and metering and all installation and operation of the sampling and metering equipment shall be at the expense of the user. The Village shall approve all equipment prior to installation.

Control manhole locations - All control manholes shall be located on the user's property within ten (10) feet of the property line. The control manholes shall be constructed on the sewer connection. If the property is fenced, a gate shall be provided at the manhole location, with provisions for a lock to be provided by the Director of Public Works. If the user does not want direct access to his property for security or other reasons, he shall, at his expense, construct a security fence around the control manhole of an area acceptable to the Village. The Village may allow control manholes in the street right-of-way in an approved manner and location. Those control manholes that cannot be constructed within ten (10) feet of the property line shall be in an open and accessible area.

Right of inspection - The Director of Public Works may inspect the facilities of any user to determine whether the purpose of this article is being met and all discharge requirements are being complied with. Persons or occupants of premises where sewage or other wastes are created or discharged shall allow the Director of Public Works ready access at all reasonable times and make provisions for emergency access to all parts of the premises for the purposes of inspection or sampling or in the performance of such governmental function.

Requirements for sewer outfalls - Access to and inspection of sewer outfalls to the river and sewer meters shall be as outlined above.

Facility drawings - Detailed plans showing the pretreatment facilities and operating procedures and effluent characteristics shall be submitted to the licensed operator for review and approval as a condition of site plan review and before construction of the facility. The approval of such plans and procedures will in no way relieve such persons from the responsibility of modifying the facility, if necessary, to produce an acceptable effluent. Any changes in the approved facilities or method of operation shall be reviewed and approved by the Village.

Any persons to which pretreatment standards are applicable shall be in compliance with such standards in the shortest reasonable time, but not later than three (3) years from the date of the promulgation of the U.S. EPA guidelines. In addition, pretreatment facilities for incompatible pollutants introduced into the sewer system by a major contributing industry shall commence construction within eighteen (18) months from the date of the final promulgation of the effluent limitations guideline defining best practicable control technology currently available.

The Village shall require the development of a compliance schedule, by each person discharging industrial wastes, for the installation of such pretreatment or equalization technologies.

SECTION XI
DISCHARGE PERMITS

Persons required to obtain permits - Persons required by this ordinance to provide pretreatment and persons engaged in any activity listed in Section 306(b) (1) (A) of the Act, which are listed below, shall obtain a permit prior to connecting to or discharging to the sewerage system:

Pulp or paper mills
Paper board, building and board mills
Meat product and rendering processing
Diary product processing
Canned and preserved fruits and vegetables processing
Canned and preserved seafood processing
Sugar processing
Textile mills
Cement manufacturing
Feedlots
Electroplating and other plating
Organic chemicals manufacturing
Inorganic chemicals manufacturing
Plastic and synthetic materials manufacturing
Soap and detergent manufacturing
Fertilizer manufacturing
Petroleum refining
Iron and steel manufacturing
Nonferrous metals manufacturing
Phosphate manufacturing
Steam and electric generation plants
Ferroalloy manufacturing
Leather tanning and finishing
Drum or barrel cleaning plants
Glass and asbestos manufacturing
Rubber processing
Timer products processing

Such persons presently discharging to the sewerage system shall, within sixty (60) days from the effective date of this ordinance, complete and file an application for a permit with the Village. The Village may also require any other person who is discharging or proposing to discharge wastes into the system to obtain a permit. The Village may change the conditions of the permit if circumstances or laws or regulations enacted by the state or federal governments may require. Limitations on the discharge of wastes into the system shall be in accordance and agreement with the current effluent guidelines developed by the Federal Environmental Protection Agency. The Village shall determine the format of permit application.

Users required to obtain a permit hereto shall complete and file with the village, an application in the form prescribed by the Village, and accompanied by a fee as set by the council. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address and location of site if different from address;
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in this ordinance as determined by a reliable

analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136, as amended;

- (d) Time and duration of contribution;
- (e) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewer, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any village, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule;
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - 2. No increment referred to in the preceding paragraph shall exceed nine (9) months.
 - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not is complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between progress reports to the Director of Public Works.
- (j) Each product produced by type, amount, process or processes and rate of production;
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

The Village will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a permit subject to the terms and conditions provided herein.

Conditions - The conditions of the permit shall be enforced by the director

in accordance with the provisions of this ordinance. Any permit holder who exceeds the conditions and provisions of the permit will be subject to enforcement provisions of this article and applicable state and federal laws.

Annual reports - Each person issued a permit shall submit a signed annual discharge report to the director. The director may require a permit holder to submit more frequent reports if in his/her judgement the wastes being discharged are possibly in violation of this article. The report shall include, but not be limited to, nature of process, volume, rates of flow, mass emissions, production quantities, hours of operation, personnel or other information that relates to the generation, handling and discharge of wastes. The report may also include the chemical constituents and quantity of liquid or gaseous materials stored on site. If insufficient data has been furnished, other information will be provided upon request of the director.

Accidental discharge - All persons discharging wastes to the sewerage system shall notify the water pollution control plant upon accidentally discharging wastes in violation of the ordinance or the user's permit. The notification shall be made as soon after the accidental discharge as possible, but in no case more than thirty (30) minutes after the accidental discharge. This notification shall be followed within fifteen (15) days by a detailed written report describing the causes of the accident and measures being taken to prevent future occurrence. Dates shall be set for completion of such measures, and the completion shall be reported to the director. Notification will not relieve users of liabilities for any expense, loss or damage to the system or downstream, or for any fines imposed on the Village account thereof.

Confidential status of information - All information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public without restriction, unless the user specifically requests the information be classified confidential on the basis of proprietary process. When information is classified confidential, the Village shall provide proper and adequate facilities and procedures to safeguard the confidentiality of manufacturing proprietary process, except that confidentiality shall not extend to waste products discharged to the waters of the State.

State requirements - State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those of this ordinance.

Village right of revision - The Village reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section I of this ordinance.

Wastewater dischargers - It shall be unlawful to discharge without a Village permit to any natural outlet within the Village of Roscommon, or in any area under the jurisdiction of the Village, and/or to the WWTF any wastewater except as authorized by the Village in accordance with the provisions of this ordinance.

- a. Permit modifications. Within Nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater permit users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by this ordinance, the user shall apply for a wastewater contribution permit within sixty (60) days after the promulgation of the applicable addition. The user with an existing wastewater contribution permit shall submit to the Village within sixty (60)

days after the promulgation of an applicable federal categorical pretreatment standard the information required by this section.

- b. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:
1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer
 2. Limits on the average and maximum wastewater constituents and characteristics
 3. Limits on average and maximum rate and time of discharge or requirement for flow regulations and equalization
 4. Requirements for installation and maintenance of inspection and sampling facilities
 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule
 6. Compliance schedules
 7. Requirements for submission of technical reports or discharge reports
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Village and affording Village access thereto
 9. Requirements for notification of the Village of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system
 10. Requirements for notification of slug discharges
 11. Other conditions as deemed appropriate by the Village to ensure compliance with this ordinance.
- c. Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) 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 re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Village, the term of the permit as the limitations or requirements as identified in this article are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- d. Permit transfer. 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 Village. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- e. Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the WWTF, any user subject to pretreatment standards and requirements shall submit to the licensed operator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and

requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment are necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

- f. Periodic compliance reports:
1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, of, in the case of a new source, after commencement of the discharge into the WWTF, shall submit to the Director of Public Works during the months of June and December, unless required more frequently in the pretreatment standard or by the licensed operator, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in paragraph (d) of this section. In consideration of such factors as local high or low flow rates, holidays, budget cycles, etc.; the Village may agree to alter the months during which the above reports are to be submitted.
 2. The Village may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass when requested by the licensed operator, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.
- g. Monitoring facilities. The Village shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Village may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will

not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Village's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Village.

- h. Inspection and sampling. The Village shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The Village approval authority and (where the NPDES state is the approval authority) EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require property identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- i. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Village 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 Village for review, and shall be acceptable to the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village prior to the user's initiation of the changes.

The Village shall annually publish in a newspaper distributed locally a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval

authority upon request.

SECTION XII

(This section reserved for future Industrial Cost Recovery Information)

SECTION XIII PROTECTION FROM DAMAGE

Powers of the police - 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 sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Liability - Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

SECTION XIV POWERS

Right of entry - The Village shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article, whether or not an easement has been granted.

The director shall have not 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 source of discharge into the sewerage system or waterways.

Easements - The Director of Public Works and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public sewage works staying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sampling and testing - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance may be made in accordance with test methods, as defined in this ordinance, and shall be determined at the 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 the constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate, or whether grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

SECTION XV ENFORCEMENT

Harmful contributions - The Village may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is

necessary, in the opinion of the Village, 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, to the environment, cause interference to the WWTF or causes the Village to violate any condition of its NPDES permit.

Any person notified of the suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection. To prevent or minimize damage to the WWTF system or endangerment to any contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within fifteen (15) days of the date of occurrence.

Revocation of permit - Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance:

1. Failure of a user to factually report the wastewater constituents and characteristics of discharge.
2. Failure of a user to report significant changes in operations or wastewater constituents and characteristics
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit.

Notification of violations - Whenever the Village finds that any user has violated or is violating this ordinance, wastewater contribution permit or any prohibition, limitation or requirements contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, the user thereof shall submit a plan for the satisfactory correction to the Village.

Show cause hearing - The Village may order any user who causes or allows an unauthorized discharge to enter the WWTF to show cause before the Village council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Village council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the meeting. Service may be made on any agent or officer of a corporation.

The Village council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Village to:

1. Issue in the name of the Village council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village council for action thereon.

At any hearing held pursuant to this section, testimony taken must be under oath and recorded electronically or stenographically. 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.

After the Village council 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, devices or other related appurtenances area properly operated. Further orders and directives as are necessary and appropriate may be issued.

Legal action - If any person discharges sewage, industrial wastes or other wastes into the Village's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements, or any order of the Village, the Village attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county.

SECTION XVI **INDUSTRIAL USE OF THE SYSTEM**

Any industry or structure discharging or desiring to discharge industrial waste to the system shall provide the Village with the following information or material and do the following:

1. A written statement setting **forth** the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
2. A plan map of the building, works or complex, with each plan to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described and the waste stream identified.
3. A test sample; and shall file reports with the Village and the appropriate state agencies on appropriate characteristics of waste on a schedule, at locations and according to methods approved by the Village.
4. Place 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.
5. A report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products, as these factors may pertain to waste control.
6. Maintain records and file reports on the final disposal of specific liquids, solids, bio-solids, oils, radioactive materials, solvents or other waste.
7. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Village, subject to approval of the waste product.

SECTION XVII **CONNECTION OF PRIVATE SYSTEMS**

Before any sanitary sewer system constructed by private, as distinguished from public, funds, hereinafter referred to as the "private sanitary sewer," shall be permitted to connect to the system, the owner of said system, hereinafter referred to as the developer, shall do and provide the Village with the following:

1. Provide the Village with the developer's plans and specifications for construction, an estimate of the cost of construction, and a

performance bond and deposit with the Village the estimated cost of review of construction plans covering the cost of hiring a registered professional engineer to review plans and specifications, which monies shall be placed by the Village in an escrow account in the name of said developer.

2. Obtain approval of the Village of the plans and specifications.
3. Secure all necessary permits for construction.
4. Upon commencement of construction of the private sanitary sewer, deposit with the Village in the escrow account referred to in subsection (1) of this section a sum of four (4) percent of the cost of construction of the waste water system improvements to cover the anticipated cost of inspection of construction and payment of connection charges.
5. Upon completion of connection of the private sanitary sewer to the system, the performance bond, upon recommendation of the Village's engineer and approval of the Village council, shall be released and any monies remaining in the developer's escrow account shall be returned to the developer. Any additional expenses incurred by the Village in assuring the Village that the private sanitary sewer is properly operating shall be deducted therefrom or charges directly to the developer, at the option of the Village.

SECTION XVIII
VIOLATION; PENALTY; COSTS

Civil penalties - A user who is found to have violated an order of the Village council or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Misdemeanor - In addition to any civil penalty, any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and on conviction thereof shall be subject to a penalty of not to exceed ninety (90) days in the county jail or a fine of not to exceed five hundred dollars (\$500.00), or both, at the discretion of the court, plus the costs and expenses of prosecution.

Falsifying information - Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater contribution permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Severability - If any provision, paragraph, work, section, or article of

this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

SECTION XIX
CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

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