

**TITTABAWASSEE TOWNSHIP  
SAGINAW COUNTY, STATE OF MICHIGAN**

**ORDINANCE NO 23-08**

**AN AMENDMENT TO THE UTILITIES**

Chapter 66 UTILITIES\*

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## UTILITIES

### ARTICLE I. WATER SUPPLY SYSTEM

#### DIVISION 1. REGULATION AND OPERATION

##### **Sec. 66-56. Definitions.**

The following definitions shall be considered as fixed and determined by the township board as to all matters referred to in this division:

*Water service connection* means that part of the consumer's water system between the township's distribution main and the curb stop box which is located approximately on the street line or private property line of roads and highways.

*Water service extension* means that part of the consumer's water supply system extending from the end of the water service connection into the premises served and ending at, and including, the township's water meter.

##### **Sec. 66-57. Operation.**

The water supply system located in the township shall be operated under the direction and control of the township board, subject to all the provisions and regulations and conditions as set forth in this division.

##### **Sec. 66-58. Director of public works.**

The director of public works, under the direction of the township board, shall have control of the operation and maintenance of the water supply system and shall direct and control all employees of the water supply system who may be authorized or appointed by the township board. The director of public works shall have full power to remove any employee of the water supply system at the discretion of the director of public works. The compensation of the director of public works and all other employees of the water supply system shall be fixed and determined from time to time by resolution, motion, or order of the township board, and may be changed from time to time at the discretion of the township board.

##### **Sec. 66-59. Applications for connection.**

No service connection shall be constructed for the purpose of introducing water into any premises until an application for a permit for such connection has been made in writing to the township. The applicant shall be furnished a form and the form shall be filled out in all details and filed with the director of public works. The township board shall then establish the necessary payment required for each connection and shall act upon the application and, if approved, the same shall then be turned over to the township treasurer so that the necessary moneys can be collected from the applicant.

##### **Sec. 66-60. Connection fees.**

*Purpose.* The purpose of this section is to provide for the uniform imposition, collection, and enforcement of fees for water system and connection fees to the water mains within the township.

*Connection fee* means the amount charged to any & each premises for the installation of the water main connection from the public water main in the street or easement to the property line, which price shall include a tap, service box, curb stop, a water meter.

*Premises* means a lot or parcel.

*Payment required.* The owners of all premises connecting to a water main shall pay a connection fee to the township, in an amount to be determined by resolution of the township board.

*Time and method of payment.* For connection fees set forth for each premises must be paid prior to any water connection to a premises that is not currently served.

*Extension of water mains.* The township shall not be required or obligated under this section to extend any water mains within the township.

#### **Sec. 66-61. Water service connection.**

- 1) Water service connections shall only be installed by the township or its designated contractor and upon payment of the connection cost and cost of furnishing and installing the meter. The township board shall from time to time, determine the connection cost for the township and this shall be payment complete for all materials and labor involved in tapping the main, laying the pipe from the distribution main to the curb stop and box, the furnishing and placing of the curb stop box and the furnishing and installation of the meter. All fees must be paid in advance of the actual installation of the meter.
- 2) In all cases, the water service connection shall have two (2) full flow valves at the meter set 1 (one) before and one (1) after the meter at no time will there be more than one (1) valve before the meter and the curb stop. It will be constructed of approved material "K" copper, Class 52 Ductile Iron pipe, high-density polyethylene (HDPE), that meets or exceeds all requirements of ASTM D2239, NSF listed and AWWA C-901. HDPE pipe shall be a minimum of 200 psi (SIDR9) and shall be installed with a 12-gauge solid core copper tracer wire for its entire length. All HDPE will be copper tubing size. All service connections shall be laid to the depth of five feet under the surface of the street or lowest part of the gutter. All water services shall have a minimum of ten (10) foot horizontal separation from any drain, storm sewer, sanitary sewer, or sewer service connection. No water service connection shall be laid in the same trench with a sewer pipe unless local conditions prevent horizontal separation, and the water service is supported upon the earth shelf at least one foot above the sewer. In no case shall one connection serve more than one (1) property location, all meters shall have its own curb stop & box at the property line. The township or its designated contractor shall install a brass curb stop with a curb box, which shall be placed approximately on the street line or private property line of roads and highways, and this curb stop shall be under the exclusive control of the township. No person, other than an authorized employee of the township, shall open or close or otherwise interfere with the curb stop; provided, however, that any licensed plumber may stop and/or open the curb stop in emergency cases when authorized by director of public works.
- 3) **Manufactured Home development:**  
  
All manufactured home developments shall be metered with a master fire flow meter installed above ground in a meter house along with an RPZ backflow preventer at the source at the entrance of the development. The size of the connection shall be determined by the engineer for the number of units to be allowed along with the needed fire protection (fire hydrants). All costs paid by the developer owners. Any existing meter pits shall be required to upgrade to the above-ground style when any needed upgrades and/or repairs are done or it is determined that the connection of the meter pit has inadequate cross-connection protection and presents a hazard to the Township water supply.

#### **The connection cost/ hook-up:**

The fee shall be based on the size of the connection and the fee shall be determined by resolution of the township board. There shall be \$500.00 water hookup fee for each individual housing unit paid at the time the unit permit is obtained for occupancy. All manufacture housing units must be reported to the township by the development owners prior to units being occupied.

The manufactured home development shall comply with all requirements of the ordinance.

**Sec. 66-62. Water service repair, replacement, or extension**

- 1) All materials, procedures, depths, and distances used in the water service repair or extension shall be of the same type as described in section 66-61. The entire water service repair, replacement or extension shall be installed at the owner's expense and shall include a full flow valve conveniently placed ahead of the meter and a full flow valve after the meter. The necessary couplings for connecting the meter shall be furnished by the township and included in the cost of the meter. The water service repair, replacement or extension shall be protected from damage of every nature and such needed repairs shall be made whenever so notified by the township. Whenever a water service is frozen, it shall be thawed out by the customer at his own expense.
- 2) The water service repair, replacement or extension shall not be covered until tested under full PSI, inspected, and approved by the director of public works or his representative.

The water service line and or main must be located at least ten feet horizontally from any existing or proposed drain, storm sewer, sanitary sewer, combined sewer, or sewer service connection, unless local conditions prevent a lateral separation of ten feet. If it is not possible to obtain ten feet separation the Agency may approve construction in which the water main invert must be 18 inches above the crown of the sewer. In parallel situations where it is not possible to obtain the lateral or vertical separation, then the Agency may approve construction in which the sewer is constructed of water main equivalent pipe and pressure tested to ninety-five (95) psi before backfilling. In all cases where plastic pipe is used a tracer wire will be installed with an end point where access can be made to wire.

**Sec. 66-63. Meters.**

All water services shall be metered. The meter shall be furnished and installed by the township and shall remain the property of, and under the control of, the township. The township shall have access to the meter for the purpose of reading, testing, and repairing. The meter shall be installed horizontal within 18" of where the service line enters into the wall/floor and shall be at least 5" above the floor but no more than 48" there shall be a full flow valve directly up stream and one down stream of meter, there shall never be more than one valve up stream of the meter before curb stop. At no time will a meter be installed into a crawl space or made inaccessible for service. If meter needs to be replaced and or serviced and is found to be in a crawl space and not be in an accessible location the owner will be notified and given 30 days to relocate the meter. The water will not be turned on until meter is relocated at the owner's expense. If, in the judgment of the township, a meter pit should be constructed, such meter pit shall be constructed by the water customer at their expense in accordance with the plans and specifications supplied by the township the pit shall be installed as close to the right of way line as possible. No person, other than an authorized employee of the township, shall break or injure the seal on, or change the location of, or alter or interfere in any way with any meter unless directed to by the township. The water customer shall be responsible for all damage to the meter or meter seal caused by any act or negligence of any person other than an employee of the township, including damage by hot water, frost, or other causes, and the expense to the township caused thereby shall be charged to and collected from the water customer.

**Sec. 66-64. Water main extensions.**

All water main extensions in the township shall be constructed by the township or contractor according to Township specifications. Any person desiring a water main extension in the township shall file a request with the township board. The township board will request the township engineer to make an estimate of the cost of constructing the extension. Upon payment to the township of an amount of money equal to the engineer's estimated cost of the extension, the township may proceed with the construction of the requested extension. After completion of the work, the township engineer will furnish the township board with a

detailed cost of constructing the extension and the payment will be adjusted up or down accordingly.

**Sec. 66-65. Separate water supply sources.**

Whenever any premises is supplied with water from two or more sources, one of which source is the township supply, the township supply must be entirely separate and no physical connection with any other supply shall be permitted.

**Sec. 66-66. Fire hydrants.**

No person shall open or use water from any public or private fire hydrant for any purpose, except for extinguishing fire, unless a written permit from the director of public works has been issued for such use.

**Sec. 66-67. Liability of township.**

All parties using water from the water supply system of the township for any purpose whatsoever will do so at their own risk; and the township or employees thereof shall not be liable for any damages occasioned by or growing out of the stoppage of such water, nor for any insufficient supply of water, nor for accidents or any damage of any kind caused by or growing out of the use or failure of such water.

**Sec. 66-68. Violation.**

Any person willfully interfering with or injuring the water supply system of the township or any of the pipes, curb stops, or other appurtenances appertaining to the system; or any person putting any animal, vegetable, or other substance in any of the reservoirs, tanks, or pipes or polluting the water therein in any way; or any person violating or failing to comply with any provision of this division shall be guilty of a felony.

DIVISION 2. CROSS CONNECTIONS\*

**Sec. 66-96. Rules adopted.**

The township adopts by reference the water supply cross connection rules of the state department of environmental quality.

**Sec. 66-97. Inspections.**

It shall be the duty of the water department to have inspections be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspection's, based on potential health hazards involved, shall be as established by the township board, and as approved by the state department of environmental quality.

\*State law reference-Safe drinking water act, MCL 325.1001 et seq

**Sec. 66-98. Right of access, information for inspection.**

The representative of the water department shall have the right to enter upon, at any reasonable time, any property served by a connection to the public water supply system of the township for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

**Sec. 66-99. Discontinued service upon violation.**

The township water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists, and to take

such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

**Sec. 66-100. Protection of potable water.**

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination, as specified by this division and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled in a conspicuous manner as:

**Sec. 66-101. Other codes and ordinances.**

This division does not supersede the state plumbing code and township ordinances but is supplementary to them.

DIVISION 3. REVENUE BONDS

*Subdivision II. Acquisition and Construction-1961*

**Sec. 66-141. Necessity; description of system.**

It is hereby determined to be necessary for the public health, safety and welfare of the township to acquire water from the CITY OF SAGINAW and distribute it through our distributions system that is constructed, in accordance with detailed maps, plans and specifications a water supply and distribution system consisting of the existing water system in the township with pumps, pump houses, an elevated storage tank and water mains, together with necessary hydrants, valves, fittings, appurtenances and attachments thereto.

**Sec. 66-147. Supervision and control.**

The construction, alteration, repair, and management of the system shall be under the supervision and control of the township board, who may employ such person in such capacity as it deems advisable to carry on the efficient management and operation of the system under its direction. The township board may make such rules, orders, and regulations as it deems advisable and necessary to ensure the efficient management and operation of the system.

**Sec. 66-148. Rates and charges.**

There shall be established rates and charges for the use of and the service availability supplied by the township water supply and distribution system, as follows:

- 1) *Readiness-to-serve (RTS) charge.* Each unit connected to the system shall pay a quarterly readiness-to-serve charge, that will be set by the board and posted to the Fee Schedule that may be adjusted from time to time.
- 2) *Sprinkler system readiness-to-serve charge.* Each unit requiring a fire sprinkler suppressant line shall pay a quarterly readiness-to-serve charge, that will be set by the board and posted to the Fee Schedule that may be adjusted from time to time.
- 3) *Consumption charge.* Each unit connected to the system shall pay quarterly a consumption charge that will be set by the board and posted to the Fee Schedule that may be adjusted from time to time.

4) *Minimum charge per unit.* The minimum quarterly water charge shall be the applicable readiness-to-serve charge.

5) All water consumption that is registered by the meter must be paid for by the user regardless of the reason for the consumption i.e., broken, sump pump, outside hose bib, humidifier, running toilet.

If the customer should ever question the accuracy of the registering of a water meter, they may request the meter be changed after paying the full cost of a meter replacement in advance. At that point the township will change the meter and send the old one in to be tested, by the manufacturer if it should not test within the limits the township will issue a credit for the amount paid to change the meter and any over charge that can be attribute to the failed meter. At no time will the old meter be put back into service.

6) *Billing.*

a. Water bills shall be rendered quarterly during each operating year and shall represent charges for the quarterly period immediately preceding the date of rendering of the bill. Such bills shall become due and payable on the tenth day of the month from the date thereof, and for all bills not paid when due, a penalty of ten percent of the amount of such bill shall be added thereto.

b. Bills and notices relative to the conduct of the business of the township will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the township board and the township shall not otherwise be responsible for the delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill, or any performance required in such notice. Bills for water service are due and payable at the business office of the township or at any designated agent of the township.

7) *Special rates.* For miscellaneous services for which a special rate shall be established, such rates shall be fixed by the township board.

8) *Non-Payment Service Charge.* Once a service order has been entered into the system for non-payment of a delinquent bill for water or sewer service supplied to a customer the township reserves the right to charge a service fee of \$100.00. The fee will be added to the account and must be paid along with all past due amounts in order to stop the disconnection process or to have the reconnection made. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the township have been paid, plus the non-payment service fee of \$100.00.

9) *Enforcement.*

a. The charges for water service which are under the provisions of section 21 of Act 94 (MCL 141.121) made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien and whenever such charge against any piece of property shall be delinquent for six months, the township official or officials in charge of the collection thereof shall certify annually, on September 1 of each year, to the tax assessing officer of the township, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected, and the lien thereof enforced in the same manner as general township taxes against such premises are collected, and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by section 21 of Act 94, no further service shall be rendered such premises until a cash deposit of not less than twice the minimum quarterly charge shall have been made as security for payment of such charges and service.

b. In addition to other remedies provided, the township shall have the right to shut off and



discontinue the supply of water to any premises for the nonpayment of water rates when due. If such charges are not paid within 30 days after the due date thereof, then water services to such premises shall be discontinued. Water services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a non-payment service fee 100.00.

**Sec. 66-149. No free service.**

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

**Sec. 66-150. Rate sufficiency.**

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, to provide for the payment of the interest upon and the principal of all the bonds as and when the same become due and payable, and the creation of the reserve therefor required by this subdivision, and to provide for such other expenditures and funds for the system as this subdivision may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and always agreed to fix and maintain such rates for services furnished by the system as shall be sufficient to provide for the foregoing.

**Sec. 66.151. Operating year.**

The system shall be operated based on an operating year commencing on April 1 and ending on March 31 of the year next following.

**Sec. 66-152. Funds.**

The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in the state Michigan, in an account to be designated "water supply and distribution system receiving fund" (for brevity, referred to in this section as the "receiving fund"), and such revenues so deposited are pledged for the purpose of the following funds and shall be transferred from the receiving fund periodically in the manner and at the times specified in this section.

1) *Operation and maintenance fund.*

- a. Out of the revenues in the receiving fund there shall be first set aside, quarterly, into a separate depository account designated "operation and maintenance fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- b. The township board, prior to the commencement of each operating year, shall adopt a budget covering the foregoing expenses for each year.

**Sec. 66-154. Investments.**

monies in any other fund, including the receiving fund and the operation and maintenance fund, and monies derived from the proceeds of sale of the bonds may be invested in obligations of the United States of America subject to limitations as allowed by federal and state described limitations. Income received from such investments shall be credited to the fund from which such investments were made.

## ARTICLE II. SEWER SYSTEM

### DIVISION 1. SEWER CONNECTION

#### Sec. 66-266. Definitions.

Whenever used in this division, except when otherwise indicated by the context, the following terms shall be construed to have the meanings ascribed in this section:

*Charges for sewage disposal services* and *charges* mean the amount charged to each premises in the township connected to the system for sewage disposal, including a debt service factor.

*Connection fee* means the amount charged to each premises for connecting into the sanitary sewer system for sewage leaving the premises *connection* means a connection from a sewer main to the premises/building. The fee is the same whether the connection is made with a new tap at the main sewer or into previous installed lead from the main sewer. *Inspection Fee* means the amount listed on the schedule of fees set by the board for an inspection for work done on the extension either new install or repairs.

*fee* means the amounts for connecting to the sanitary sewer systems determined by section 66-269.

*Inspector* means any person duly authorized by the township board to inspect and approve the installation of building sewers and their connection to the public sewer system.

*Premises* means the lands included within the boundaries of a single description, as set forth from time to time on the general tax rolls of the township as a single taxable item in the name of a taxpayer at one address, but, in the case of platted lots, shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance.

*Sewage disposal district* and *district* mean the township sewage disposal district, as described in the resolution of the county board of commissioners, adopted August 12, 1969, and September 1, 1981, and for any amendments thereto.

*Sewage disposal services* means and shall be deemed to refer to the collection, transportation, treatment, and disposal of sanitary sewage emanating from premises connected, directly or indirectly, to the sewage disposal system.

*DPW Director* means the DPW director of the municipal sewage works of the township, or his authorized deputy, agent or representative.

*System* means and shall be deemed to refer to the sewage disposal system as established and constructed by the county and leased to the township to serve the residents of the township.

**Sec. 66-267. License required; building sewer permits.**

- 1) No person shall uncover, make any connections with, or open into, use, alter or disturb any public sewer or appurtenances thereof without first having obtained a license from the township board. Applications for licenses shall be submitted to the township DPW and shall be accompanied by a fee of \$25.00 on forms prescribed by the township board. The township board may refuse to grant or may revoke any license issued under this division if it appears to the township board that the person requesting or having been granted such license has violated the terms and conditions of this division. The license shall be for a period of one year only, except that it may be renewed annually by the payment of an annual license renewal fee of \$20.00. In no case shall a license be issued unless the person applying for such shall have executed unto the township, and deposited with the township treasurer, a corporate surety bond in the sum of \$5,000.00 conditioned upon the requirement that such person shall perform faithfully all work with due care and skill and in accordance with the laws, rules and regulations established under the authority of any ordinances of the township pertaining to plumbing. The bond shall state that the person will indemnify and save harmless the township and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing, as prescribed in this division. Such bond shall remain in force and must be executed for a period of one year, except that, upon expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. There shall be two classes of building sewer permits:
  - a. For residential and commercial service; and
  - b. For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the township. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector.

- 2) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner, or the person installing the building sewer for the owner, shall indemnify the township from any loss or damage that may directly or indirectly be occasioned by such installation.
- 3) All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the township.

**Sec. 66-268. Conditions of service.**

- 1) It shall be at the property owners' expense, that portion of the service from the sanitary sewer to their premises. A license contractor is required for work within the right of way or to tap the main sewer. The property owner shall maintain & replace when needed, at their expense, that portion of the service from the building to the sewer main. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the township. The building sewer shall be brought to within five feet of the basement wall at an elevation below the

basement floor. All other elevations shall be approved by the inspector. At no point shall a sewer be installed above a water main or water service line. If the connection won't allow for the sewer to be installed below the water main or water service line preauthorization prior to any work being done must be approved the DPW Director.

- 2) Applications may be cancelled and/or sewer service discontinued by the township for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
  - a. Misrepresentation in the application as to the property of fixtures to be serviced by the sanitary sewer system.
  - b. Nonpayment of bills.
  - c. Improper or imperfect service pipes and fixtures or failure to keep such service pipes and fixtures in a suitable state of repair.
- 3) Bills and notices relative to the conduct of the business of the township will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the township board; and the township shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in such notice.
  - a. Bills for sewer service are due and payable at the township business office or to any designated agent of the township. The first such charges for each premises are due and payable on the tenth day of the calendar quarter following by at least one month from the date such premises are connected to the system and successive charges are due and payable on the first day of each quarter annual period thereafter. Sewer bills shall be rendered quarterly during each operating year and shall represent charges for the quarterly period immediately preceding the date of rendering the bill. Such bills shall become due and payable on the tenth day of the month from the date thereof, and for all bills not paid in full when due, a penalty of ten percent of the amount of such bill shall be added thereto.
  - b. All bills not paid on or before the past due date shall be termed delinquent, and the township shall serve on the customer a written final notice of such delinquency. If a delinquent bill is not paid within 30 days after the due date, the water and/or sewer service to the user will be subject to discontinuance, or other measures as state law will allow.
- 4) Non-Payment Service charge. Once a service order has been entered into the system for a non-payment of a delinquent bill for water or sewer service supplied to a customer the township reserves the right to charge a service fee of \$100.00. The fee will be added to the account and must be paid along with all past due amounts in order to stop the disconnection process or to have the reconnection made. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the township have been paid, plus the non-payment service fee of \$100.00.
- 5) The township shall make all reasonable efforts to eliminate interruption of service, and, when such interruption occurs, will endeavor to reestablish service with the shortest possible delay.

Whenever service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

- 6) The township shall in no event be held responsible for claims made against the township by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- 7) The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the township.

**Sec. 66-269. Hookup and connection fees.**

Each residence in the township abutting a street or easement in which a sanitary sewer is installed shall be connected to such sewer and, at the time of connection, shall pay a hookup fee to the township, at no time shall a single connection serve more than one property with separate tax I D's.

All premises connecting to a sanitary sewer shall pay a connection fee, as defined above to the township in amounts to be determined from time to time by resolution of the township board for a sanitary sewer.

There shall be a \$500.00 sewer hookup fee for each Individual housing unit in a manufactured home development having a sewer connection paid at the time the unit permit is obtained for occupancy. All manufactured housing units must be reported to the township by the development owners prior to units being occupied.

Any person, firm or corporate convicted of disposing of sewage in a manner contrary to the provisions of this division shall be guilty of a misdemeanor.

Any person, firm or corporation convicted of disposing of sewage in a manner contrary to the provisions of this division shall be guilty of a misdemeanor.

**Sec. 66-270. Schedule A, Sanitary Hookup Fees.**

- 1) Residential—As set by the Board of Trustees
- 2) Manufactured Housing Unit—As set by the Board of Trustees
- 3) Commercial—As set by the Board of Trustee

This schedule A may be amended by resolution annually by the township board based on the current construction cost index.

**Sec. 66-271. Validity.**

All provisions of this division and limits set in this division shall comply with any applicable state and/or federal requirements, now or projected to be in effect.

## DIVISION 2. SEWER USE

### Sec. 66-291. Definitions.

The following terms, when used in this division, shall have the meanings ascribed in this section, except where context clearly indicates a different meaning:

*Authority* means the Township of Tittabawassee, Saginaw County, Michigan.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius.

*Building drain* means that 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 a building and conveys it to the building sewer beginning three feet outside the building wall.

*Building drain, sanitary*, means a building drain which conveys sanitary and/or industrial sewage only.

*Building drain, storm*, means a building drain which conveys stormwater or other clear water drainage only.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal (also called house connection).

*Building sewer, sanitary*, means a building sewer which conveys sanitary and/or industrial sewage only.

*Building sewer, storm*, means a building sewer which conveys stormwater or other clear water drainage only.

*Combined sewage* means a combination of both sanitary and industrial wastewater and stormwater or surface water.

*Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.

*Compatible pollutant* means biochemical oxygen demand and suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removal in the order of 80 percent or greater. Minor incidental removals in the order of ten to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include chemical oxygen demand; total organic carbon; phosphorus and phosphorus compounds; nitrogen and nitrogen compounds; and fats, oils and greases of animal or vegetable origin, except as prohibited where these materials would interfere with the operation of the treatment works.

*Control manhole* means a structure built on a sewer service through which sewage passes and can be sampled and will permit flow measurements taken.

*Fecal coliform* means any of several organisms common to the intestinal tract of man and animals,

whose presence in sanitary sewage is an indicator of pollution.

*Floatable oil* means oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the township.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage, and sale of produce.

*Incompatible pollutant* means any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

*Industrial waste* means any solids, liquid or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery, or processing of any natural resources. It does not include, and is distinct from, sanitary sewage generated by employees.

*Infiltration* means the water entering a sewer system, including building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

*Infiltration / inflow* means the total quantity of water from both infiltration and inflow without distinguishing the source.

*Inflow* means the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellars, yards and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, stormwaters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

*Major contributing industry means* an industry that has:

- (1) A flow of 50,000 gallons or more per average workday.
- (2) A flow greater than five percent of the flow carried by the municipal system receiving the wastes.
- (3) In its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of PL 92- 500; or
- (4) A significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Normal domestic sewage* means sewage resulting from a normal household with a flow of 146

gallons per day and containing 0.34 pound per day of BOD and 0.31 pound per day of suspended solids.

*NPDES permit* means a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to section 402 of PL 92-500.

*Person* means any individual, firm, company, municipality, association, society, corporation, or group discharging any wastewater to the treatment works.

*pH* means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

*Pretreatment* means the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

*Private sewer* means a sewer which is not owned by the township.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a sewer which is owned and controlled by the township and will consist of the following components:

- (1) *Collector sewer* means a sewer whose primary purpose is to collect wastewater from individual point source discharges.
- (2) *Force main* means a pipe in which wastewater is carried under pressure.
- (3) *Interceptor sewer* means a sewer whose primary purpose is to convey wastewaters from collector sewers to the sewage treatment plant.
- (4) *Pumping station* means a station positioned in the public sewer system at which wastewater is pumped to a higher level.

*Sanitary sewer* means a sewer which carries sanitary and industrial wastes only, and to which stormwater, surface water and groundwater are not intentionally or legally admitted.

*Sewage* means the combination of liquid and solid wastes from residences, commercial buildings, industrial plants, institutions, and governmental edifices, including polluted cooling water. The three most common types of sewage are:

- (1) *Combined sewage* means a combination of wastes, including sanitary sewage, industrial sewage and intentionally admitted stormwater, infiltration and inflow.
- (2) *Industrial sewage* means a combination of liquid and solid waste discharged from any industrial establishment, resulting from any trade or process carried on in that



establishment. This shall include the wastes from pretreatment facilities and polluted cooling water but is separate and distinct from sanitary sewage from employees.

- (3) *Sanitary sewage* means the combination of liquids and solid waste discharged from toilet and other sanitary plumbing facilities resulting from human habitation.

*Slug* means any discharge of sewage or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 30 minutes, more than three times the average 24-hour concentration of flows during normal operation and shall adversely affect the treatment works.

*Storm sewer* means a sewer for conveying stormwater, groundwater, or unpolluted water from any other source and to which sewage is not intentionally admitted.

*Suspended solids* means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

*Total solids* means the sum of suspended and dissolved solids.

*Toxic amounts* means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to section 307(a) of PL 92-500.

*Treatment works* means all devices and systems used in the storage, treatment, recycling, and reclamation of wastewater, including intercepting sewers, outfall sewers and wastewater collection systems.

*Unpolluted water* means water of 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 benefitted by discharge to the treatment works.

*User:*

*Commercial user* means a user of the treatment works engaged in the purchase or sale of goods or services or the transaction of business.

*Governmental user* means a federal, state, or local governmental user of the treatment works which has an executive, legislative, judicial, administrative, or regulatory activity.

*Industrial user* means a manufacturing or process facility engaged in a productive or profit-making venture that discharges a trade or process waste to the sewer system.

*Institutional user* means a user of the treatment works involved in a social, charitable, religious, educational, or other special purpose activity.

*Residential user* means a user of the treatment works whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.

*Wastewater* means water polluted with sanitary sewage, industrial sewage, combined sewage, or

any other substance which, when contained in wastewater, must be removed, or diluted to a substantial degree before such wastewater can be reclaimed for discharge to a watercourse or reused.

*Watercourse* means a natural or artificial channel for the passage of water, either continuously or intermittently.

**Sec. 66-292. Public sewers.**

1) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The township shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.

2) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the township.

3) No person shall place, deposit, or permit to be deposited, in any unsanitary manner on public or private property within the jurisdiction of the authority, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this division and the NPDES permit.

4) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this division and NPDES Permit No. MI0027383.

5) Private sewage disposal system.

- a. No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, except as provided in this division or except as provided under Public Act No. 421 of 1980 (MCL 333.12757).
- b. In the event any existing private sewage system shall, in the opinion of the township board, become a hazard to health, safety or general welfare of any persons or property, then the owner

thereof shall be required, at his expense, to install suitable sewage facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this division, within 90 days after date of official notice to do so.

- a. Where a public sanitary sewer is not available, the building sewer shall be connected to a private disposal system in accordance with the specifications of the county health department and the township.
- b. The owner shall always operate and maintain the private sewage disposal facilities in a sanitary manner, at no expense to the township.
- c. If the owner of the property, upon which the same is located, shall fail to abandon and correct, upon reasonable notice, a private sewage disposal system, then and in such case, the township may do so, and charge the cost thereof to the property owner

and to the occupant of such property, and such charges shall become a debt, collectible as such.

- 6) No person shall discharge or cause to be discharged, to any public sewer, any wastes which would interfere with the operation or performance of the treatment works. Specifically, the following wastes shall not be introduced into the treatment works:
- a. Wastes which create a fire or explosion hazard in the treatment works.
  - b. Wastes which will cause corrosive structural damage to treatment works, but in no case with a pH lower than 6.0.
  - c. Any waters 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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, the following concentrations of materials in the wastes, as received at the influent of the wastewater treatment plant, or any pollutant identified pursuant to section 307 of the act:

<i>Material</i>	<i>Concentration (mgll)</i>
Copper	1.0
Arsenic	0.1
Zinc	0.5

<i>Material</i>	<i>Concentration (mgll)</i>
Cadmium	50
Lead	0.2
Mercury	2.0
total chromium	5.0
Silver	5.0
Nickel	2.0
Cyanide (HeN)	2.0
Phenolic compounds which cannot be removed by the township's wastewater treatment processes	50
Chloroform	1.0
Free oil	5.0

- d. Any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes, can create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- e. Any substance which may cause the wastewater disposal system's effluent or any other product of the wastewater treatment process, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater disposal system cause the system to be in noncompliance with sludge use or disposal criteria,

guidelines or regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid wastes disposal act, the clean air act, the toxic substances control act, or state standards applicable to the sludge management method being used.

- f. Any substance which will cause the wastewater disposal system to violate its NPDES permit or the receiving water quality standards.
- g. Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.
- h. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees Fahrenheit (40 degrees Celsius).
- i. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, more than 25 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
- j. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- k. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations.
- l. Any waters or wastes having a pH more than 9.5.
- m. Materials which exert or cause:
  - Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
  - Excessive discoloration, such as dye wastes and vegetative tanning solutions.
  - Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
- n. Solid or viscous wastes in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the treatment works.
- o. Wastes at a flow rate and/or pollutant discharge rate (slugs) which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

7) Treatment authority management, whenever necessary, with regard to discharge or proposed discharge of industrial wastes into any sewer, shall have the right to:

- a. Require new industries or industries with significant increase in discharge to submit information on wastewater characteristics and obtain prior approval for discharges.
  - b. Reject the wastes in whole or in part for any reason deemed appropriate by the township.
  - c. Require pretreatment of such wastes to within the limits of normal sewage, as defined.
  - d. Require control of flow equalization of such wastes to avoid any slug loads or excessive loads that may be harmful to the treatment works.
  - e. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
- 8) Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works, as required, is subject to the rules and regulations adopted by the United States Environmental Protection Agency (USEPA) and published in the Federal Register, June 26, 1978, and any more stringent requirements established by the township, and any subsequent federal guidelines and rules and regulations. As specific pretreatment levels are established, they are hereby incorporated into this section by reference.
- 9) Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the township, and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner, at his expense, and shall be subject to periodic inspection by the township to determine that such facilities are being operated in conformance with applicable federal, state, and local laws and permits. The owner shall maintain operating records and shall submit to the township a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against the township monitoring records.
- 10) The township may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users' expense. If made by the township, an appropriate charge may be assessed to the user, as established by the township.
- a. The owner of any property serviced by a building sewer carrying industrial wastes or other nonresidential wastewater may be required by the township to install a control manhole, together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the township. The structures shall be installed by the owner, at his expense, and shall be maintained by him to be safe and accessible at all times.
- 11) The strength of wastewaters shall be determined, for periodic establishment of charges provided for

in this division, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the township may elect, or at any place mutually agreed upon between the user and the township. Appropriate charges for sampling and analysis may be assessed to the user at the option of the township. The results of routine sampling and analysis by the user may also be used for determination.

- 12) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods, except for applications for NPDES permits and reports thereof, which shall be conducted in accordance with rules and regulations adopted by the USEPA, published in the Federal Register (40CFR 136), and any subsequent revisions subject to approval by the township.
- 13) Grease, oil and sand interceptors or traps shall be provided at the owner's expense when, in opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity conforming to the current addition of the Universal Plumbing Code and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction to be gastight, airtight when bolted in place and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 14) Outside grease traps, with a minimum of 1000 gallon capacity shall be required at the owner's expense for all commercial kitchens. Grease interceptors/traps shall be required for all food service establishments and may be required for other users as determined necessary by the Township. Grease interceptors/traps shall be sized, constructed, and installed as required by the Township's specifications and subject to the Township's approval. Grease interceptors/traps shall be cleaned and maintained per the manufacturer's specifications at the property owner's expense. As a minimum, any user required to install an interceptor shall comply with the best management practices as provided below.
- 15) Any user required to install and maintain an interceptor (trap) of any kind shall develop and carry out a system of training, maintenance, and cleaning of such device(s). This training, maintenance and cleaning shall be documented on the appropriate Township provided form.
  - (a) Any problems with or damage to an interceptor/trap shall be reported immediately to the owner and the POTW DPW Director.
  - (b) Any damage to an interceptor/trap shall be immediately repaired.
  - (c) No interceptor/trap clean out material shall be discharged into a sewer.
  - (d) No bacteria or enzyme products shall be used in the maintenance of interceptor/traps.
  - (e) All users shall implement BMPs for grease management to minimize the discharge of food grease to the POTW.

(f) Specific BMPs for grease interceptors/traps. All users required to install and maintain grease interceptors (traps) shall comply with the following minimum requirements:

- Under sink grease traps shall be cleaned and or inspected weekly.
- Clean outs of all other interceptor/traps shall be scheduled such that the interceptor/trap does not exceed 25% solids content (including both the top and bottom layers of solids) and there is no visible discharge of grease or oil.
- The clean out shall be accomplished by pumping to remove the entire grease mat, liquids, sludge, and solids from screens, baffles, air-relief chambers, and wash down of interior walls.
- The user shall witness all clean out and maintenance of interceptor/traps.

16) The documentation required by this Section shall be available for review by the DPW Director or his designee and copies shall be provided to the DPW Director or designee upon request. The DPW Director or his designee shall have the right to inspect a restaurant (or other establishment where an interceptor is required) at any time for any reason. The DPW Director or his designee shall have the right to collect samples of the facilities waste stream at any time for any reason. The failure of a restaurant to comply with this Section may subject the violator to enforcement action and the remedies as may be available by law and the terms of this Ordinance.

17) Users of the treatment works shall immediately notify the township of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

18) No statement contained in this section shall be construed as preventing and special agreement or arrangement between the township and any industrial or commercial concern whereby an industrial or commercial waste of unusual strength or character may be accepted by the township for treatment. In all such cases, the provisions set forth in the sewage rate ordinance will be governing factors in any contracts entered.

**Sec. 66-293. Building sewers and connections.**

- 1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the township.
- 2) After the permit connection has been granted and before the connection is made, the owner shall pay a permit /connection fee, as established by the township.
- 3) A separate and independent building sewer shall be required for every building; except, where one

building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building.

- 4) Old building sewers may be used in connection with new buildings only when they are found, on examination and televised at the owner's expense to be in working condition and approved by the township, to meet all requirements of this division.
- 5) A new tap into the main sewer for the purpose of a connection shall be done with a township approved watertight tap y saddle (fernco) then incased in cement and inspected by the township DPW.
- 6) The building sewer shall be polyvinyl chloride (PVC) or acrylonitrile-butadiene-styrene (ABS) pipe with solvent weld joints. Wall thickness shall be schedule 40, with all materials conforming to ASTM D- 2661, D-2665 and D-1785. An approved transition device shall be installed between the six-inch sewer service and the PVC or ABS building sewer. Any repairs made on an existing building sewer/connection must be made with like materials and connected with watertight fittings. Repairs must be inspected by DPW before back fill is done.
- 7) The size and slope of the building sewer shall be subject to the approval of the township, but in no event shall the diameter be less than four inches. The slope of such building sewer shall be not less than one-eighth inch per foot if six-inch or larger diameter pipe is used, and one-fourth-inch slope per foot if four-inch diameter pipe is used.
- 8) If an existing septic tank, holding tank or other underground vessel is abandoned as part of the service connection, the property owner shall have such tank or vessel pumped empty and filled completely with sand.
- 9) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three 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 straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- 10) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer, the cost to be borne by the property owner.
- 11) All joints or connections shall be gastight and watertight, utilizing premium rubber joints conforming to the requirements of ASTM Des. C-425.
- 12) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the township. Pipe laying and backfill shall be performed in accordance with good practice, except that no backfill shall be placed until the work has been inspected.
- 13) The connection of the building sewer into the public sewer shall be made only at a wye branch provided for that purpose when available.

**Sec. 66-294. Unlawful damage; arrest for violation.**

No unauthorized 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 municipal sewage works. Any person violating this section shall be subject to immediate arrest under the charge of



disorderly conduct.

**Sec. 66-295. Power and authority of inspectors.**

Agents of the township, the state department of natural resources, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this division.

**Sec. 66-296. Lien established for nonpayment; penalties; liability of user for down stream damages.**

- 1) In the event of nonpayment of any charges made by the township to users of the treatment works, such charge is hereby made a lien upon the corresponding lot, parcel of land or premises served by the treatment works, and, if the same is not paid when due and payable, it shall be certified to the township, who shall place same on the tax duplicate as a tax lien or assessment against such lot or parcel of land with interest and penalties allowed by law, and be collected in the same manner and at the same time as other taxes are collected.
- 2) Any person violating the provisions of this division shall be subject to the penalties of section 1-7. In addition, any user whose violating discharge causes downstream damages shall be liable totally for all expenses incurred to repair such damages.

**Sec. 66-297. Compliance with other requirements.**

All provisions of this division and limits set in this division shall comply with any applicable state and/or federal requirements now or projected to be in effect.

DIVISION 3. USER CHARGES

**Sec. 66-321. Definitions.**

The following terms, when used in this division, shall have the meanings ascribed in this section, except where context clearly indicates a different meaning:

*Authority* means the Township of Tittabawassee, Saginaw County, Michigan.

*Biochemical oxygen demand (BOD)* means the quantity of decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Celsius and expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with procedures set forth in the standard methods.

*Debt service charges* means a system of charges levied on users for the recovery of local capital costs.

*Normal domestic strengths* means wastewater discharged at concentration levels typical of normal human activity. These levels are 250 mg/l for BOD and 280 mg/l for suspended solids.

*Operation and maintenance costs* means the total annual cost of operating and maintaining the waste treatment facilities, including replacement cost.

*Premises* means each lot or parcel of land, building or household having a connection to the authority sewer system.

*Replacement costs* means expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the service life of the treatment works to maintain capacity and performance for which such works were designed and constructed.

*Segregated domestic wastes* means wastes from users which are generated from activities of a domestic nature, and which are measurable and/or set apart from industrial discharges.

*Sewer service charge* means the sum of the user charges and the debt service charges.

*Standard methods* means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, and as set forth in Federal Register Reprint 40 CFR 136, Guidelines Establishing Test Procedures for Analysis of Pollutants.

*Surcharge* means a charge levied on users of a treatment works for the cost of handling wastewaters which are discharged in concentrations greater than normal domestic strengths.

*Suspended solids* means solids which either float on the surface of, or are in suspension in, water, sewage or other liquid discharged to the treatment works, which are removable by laboratory filtration and expressed in milligrams per liter (mg/l). Quantitative determinations shall be made in accordance with procedures set forth in the standard methods.

*Treatment works* means an arrangement of devices and structures for collecting, conveying, and treating wastewater.

*User* means each recipient of wastewater treatment services provided by the township, as classified in section 66-322.

*User charges* means a system of charges levied on users of a treatment works for the cost of operation and maintenance, including replacement, of such works.

*Wastewater* means the spent water of the community. It may be a combination of 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.

**Sec. 66-322. Charges levied, user classes.**

- 1) Charges shall be levied for wastewater treatment services rendered to each lot, parcel of real estate or building having a connection with the township treatment facilities or otherwise being provided with service, either directly or indirectly. Charges shall be based upon a flat rate user charge.
- 2) All rates and charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency and the State of Michigan.
- 3) For purposes of this division, users of the treatment works shall be classified as follows:
  - a. *Residential*: A user of the treatment works whose premises or building is used primarily

as a domicile for one or more persons and whose wastes originate from normal living activities of its inhabitants.

- b. *Commercial*: A user of the treatment works engaged in the purchase or sale of goods, transaction of business, or otherwise rendering a service.
- c. *Institutional*: A user of the treatment works involved in a social, charitable, religious, educational, or other special purpose activity.
- d. *Governmental*: A federal, state, or local government user of the treatment works which has executive, legislative, judicial, administrative, or regulatory activities.
- e. *Industrial*: A manufacturing or process facility engaged in a productive or profit-making venture that discharges a trade or process waste to the sewer system.

**Sec. 66-323. Administration.**

- 1) Revenues generated by user charge rates shall be deposited in a separate account and used solely for purposes of operation and maintenance costs, including replacement, of the treatment works.
- 2) There shall be no free service or discounts of the established rates provided any user.
- 3) The township will notify each user at least once a year of what his respective charges are for operation, maintenance, and replacement (user charge) and local capital (debt service charge).

**Sec. 66-324. Rates and charges.**

- 1) There shall be rates and charges for the use of and the availability by the township sewer system, as follows:

<i>User</i>	UTILITIES	<i>Quarterly Charge</i>
Residential sewer customer		\$79.00
Commercial/institutional/educational/multi-unit residential		\$79.00 for the first 15,000 gallons as 3.91 per 1,000 additional gallons used thereafter
Multi-commercial/institutional/educational		\$61.00 for the first 15,000 gallons and \$3.91 per 1,000 additional gallons used thereafter

- 2) Where a significant portion of the customer's water does not and cannot enter the treatment works either directly or indirectly, and where the quantity of water entering the premises is estimated at more than 5,000 gallons per month, the person having charge of the property may request permission from the township to install, at his own expense, an approved sewage measuring device to determine the volume of sewage that actually enters the treatment works. The rates and charges will apply only to that portion of water or actual sewage entering the treatment works.

Rates for sewage shall be the same as the water consumption rate for commercial/institutional/educational customers noted above, i.e., \$79.00 plus \$3.91 per 1,000 gallons of sewage in excess of 15,000 gallons per quarter.

- 3) Each industrial or nonindustrial user who discharges wastes into the treatment works shall be subject to a surcharge in addition to regular sewer charges, based on BOD and suspended solids, if the waste load contributed to the treatment works has a loading greater than normal domestic strength wastes or is in excess of the normal load contributed by the user. The magnitudes of such extra-strength wastes shall be determined in accordance with sampling and testing procedures established in sections 66-291 through 66-297. The surcharge for discharges above normal domestic strengths shall be as follows:

BOD: \$0.30/pound for each pound above 2.09 pounds per 1,000 gallons of sewage.

Suspended solids: \$0.30/pound for each pound above 2.33 pounds per 1,000 gallons of sewage.

Any user discharging at, or below normal domestic strength will be charged at the regular commercial charge.

- 4) The township, at its expense, may install a sewage measuring device to determine the volume of sewage that is actually discharging from any premises which is a non-township water user.
- 5) The charge for treatment works service shall be billed to the owner of each lot, parcel of real estate, or building having a connection with the township treatment facilities. If a tenant is billed, the ownershall in no way be relieved of liability in the event payment is not made by the tenant, as required in this division. Such owner shall have the right to examine the township's collection records to ascertain whether such charges have been paid.

#### **Sec. 66-325. Delinquent charges; penalties and actions.**

- 1) Charges for treatment works service levied pursuant to this division shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date shall be considered delinquent. Such delinquent charges, together with any applied penalty, shall be collectable as set forth in this section.
- 2) Delinquent treatment works service charges may be made in lien against the property served. In such cases, delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax rolls and be collected in the same manner as regular taxes and assessments are collected.
- 3) In addition, the township shall have the right to bring a civil action to recover any delinquent charges, together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right to foreclose any lien established under the provisions of this division with recovery of the charges, penalty of ten percent and a reasonable attorney's fee.

#### **Sec. 66-326. Appeals.**

Any differences that may arise between users and officials of the sewer system that cannot be resolved at that level may be appealed to the township board.