

RECORD OF ORDINANCES

ORDINANCE NO. 16

Township of Evangeline County of Charlton

Ordinance No. 16 enacted by the Board March 6, 1995

Published: March, 1995, within 10 days after enactment.

Effective _____, 19____.

Record of votes of Board Members:

(Yes or No)

(Yes or No.)

<u>Shields</u>	<u>(7)</u>	<u>Avin</u>	<u>(7)</u>
<u>Cortright</u>	<u>(7)</u>	<u>Webb</u>	<u>(7)</u>
<u>Jackson</u>	<u>(7)</u>		<u>()</u>

I CERTIFY that publication was made on _____, 19____
within 10 days after enactment of ordinance.

Signed: M. G. H., Township Clerk

THE TOWNSHIP OF Evangeline ORDAINS,

Signed

Supervisor

Clerk

TOWNSHIP OF EVANGELINE

COUNTY OF CHARLEVOIX

STATE OF MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Evangeline, Charlevoix County, Michigan held at the Township Hall on the _____ day of _____, 1994 ~~1995~~, at _____ p.m. Local Time

PRESENT:

Members _____

ABSENT:

Members: _____

It was moved by _____ and supported by _____

that the following Ordinance be adopted.

ORDINANCE NO. 16

SEWER USE, CONNECTION AND RATE ORDINANCE

AN ORDINANCE regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system serving the Glenwood Beach Resort Service Area; and pro-

viding penalties for violations
thereof, in the Township of
Evangeline, County of Charlevoix,
State of Michigan.

The Ordinance was then discussed.

Upon roll call vote, the vote upon the motion adopting said
Ordinance was as follows:

YEAS: _____

NAYS: _____

The Township Clerk declared the Ordinance adopted.

The following is Ordinance No. ____ as adopted:

THE TOWNSHIP OF EVANGELINE ORDAINS:

ORDINANCE NO. ____

SEWER USE, CONNECTION AND RATE ORDINANCE

AN ORDINANCE regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system serving the Glenwood Beach Resort Service Area; and providing penalties for violations thereof, in the Township of Evangeline, County of Charlevoix, State of Michigan.

ARTICLE I
DEFINITIONS

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

Sec. 1. B.O.D.

"B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

Sec. 2. BUILDING DRAIN.

"Building Drain" shall mean 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 the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Sec. 3. BUILDING SEWER.

"Building Sewer" shall mean the extension from the building drain to the ~~public sewer~~ **Service Connection** or other place of disposal.

Sec. 4. CITY

"City" shall mean the City of Boyne City.

Sec. 5. CITY **CONNECTION FEE**

"City Connection Fee" shall mean the charge imposed by the Township and payable to the City pursuant to the Sewer Agreement to defray a portion of the capital cost to the City of allocating and maintaining capacity in the City's Sewage Works and Treatment Works for the transportation and treatment of sewage generated in the Service District.

Sec. 6. CITY MANAGER

"City Manager" shall mean the City Manager of the City.

Sec. 6 7. CLASSES OF USERS.

"Classes of Users" shall mean the division of sanitary sewer works customers into classes by similar process or discharge flow characteristics, as follows:

Residential User - shall mean an individual home or dwelling unit including mobile homes, apartments, condominiums, or multi-family dwellings.

Commercial User - shall mean any retail or wholesale business engaged in selling merchandise or a service.

Institutional User - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user.

Governmental User - shall mean any federal, State or local government office or government service facility.

Industrial User - shall mean any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E or I, excluding those users already identified in one of the other user classes. A user may also be excluded from the "Industrial User" class if it is determined that such-user will discharge only segregated domestic strength wastes into the sanitary sewer system.

Sec. 7 8. COMPATIBLE POLLUTANT.

"Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact can remove such pollutants to a substantial degree. The term

substantial degree generally means removals in the order of 80 per cent or greater.

Sec. 8 9. COMBINED SEWER.

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 9 10 . GARBAGE.

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

Sec. 10 11. INCOMPATIBLE POLLUTANT.

" Incompatible Pollutant " shall mean any pollutant that is not a compatible pollutant, as defined in Section 5 above.

Sec. 11 12. INDUSTRIAL COST RECOVERY.

" Industrial Cost Recovery" shall mean the recovery from each industrial user, as defined, a portion of the U.S. Environmental Protection Agency grant which is allocable to the treatment of wastes from said industries.

Sec. 12 13. INDUSTRIAL WASTES.

" Industrial wastes" shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

Sec. 13 14. INFILTRATION.

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

Sec. 14 **15. INFILTRATION/INFLOW.**

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

Sec. 15 **16. INFLOW.**

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

Sec. 16 **17. MAJOR CONTRIBUTING INDUSTRY.**

"Major Contributing Industry" shall mean an industrial user, as defined, that discharges (1) a flow of 50,000 gallons or more per average work day, (2) a flow exceeding five (5) per cent of the total treatment plant flow, (3) toxic pollutants in toxic amounts as defined in the NPDES permit, or (4) a flow with a significant impact on the treatment plant when considered alone or in combination with other industrial users.

Sec. 17 **18. NATURAL OUTLET.**

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

Sec. 18 **19. NORMAL DOMESTIC SEWAGE.**

"Normal Domestic Sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/ 1 or an average daily suspended solids concentration of not more than 250 mg/1.

Sec. 19 **20. NPDES PERMIT.**

"NPDES Permit" shall mean the permit issued to the City pursuant to the National Pollution Discharge Elimination System for the

discharge of wastewaters into the waters of the State.

Sec. 20 21. OPERATION AND MAINTENANCE COSTS.

"Operation and Maintenance Costs" shall mean all costs, direct and indirect, (other than debt service) necessary to insure adequate wastewater treatment on a continuing basis, conform with all related federal, State and local requirements, and assure optimal long term facility management (these O & M costs include depreciation and replacement costs).

Sec. 21 22. PERSON.

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

Sec. 22 23. pH.

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

Sec. 23 24. PRETREATMENT.

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

Sec. 24 25. PROPERLY SHREDDED GARBAGE.

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

Sec. 25 26. PUBLIC SEWER.

"Public Sewer" shall mean a sewer in which all owners of abutting

properties have equal rights, and is controlled by public authority.

Sec. 26 **27. REPLACEMENT.**

"Replacement" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

Sec. 27 **28. SANITARY SEWER.**

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 28 **29. SERVICE AREA**

"Service Area" shall mean that part of Glenwood Beach Resort, a recorded plat, lying within the Township as established and from time to time amended in accordance with paragraph 5 of the Sewer Agreement.

Sec. 29 **30. SERVICE CONNECTION**

"Service Connection" shall mean the portion of the public sewer system which extends either to or onto the parcel of land adjacent to the path of the public sewer system, and includes the tee/wye, valve, check valve, connector pipes, the sewer lead, the Grinder Pump System and appurtenances, but not including the Building Sewer.

Sec. 31. **SEWAGE.**

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

Sec. 30 **32. SEWAGE TREATMENT PLANT.**

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 31 **33. SEWAGE WORKS.**

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

Sec. 32 **34. SEWER.**

"Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 33 **35. SEWER AGREEMENT**

"Sewer Agreement" shall mean the Sanitary Sewer Service and Franchise Agreement (Glenwood Beach Area) dated as of May 19, 1992 by and between the City and the Township.

Sec. 34 **36. SHALL; MAY.**

"Shall" is mandatory: "May" is permissive.

Sec. 35 **37. SIGNIFICANT INDUSTRY.**

"Significant Industry" shall mean any industry which contributes greater than ten (10) per cent of the design flow or design loading of the treatment works.

Sec. 36 **38. SLUG.**

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

Sec. 37 **39. STORM DRAIN.**

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

Sec. 38 **40. SUPERINTENDENT**

"Superintendent" shall mean the Superintendent of Sewage Works of the City, or his authorized deputy, agent or representative.

Sec. 39 **41. SUSPENDED SOLIDS.**

"Suspended Solids" shall mean 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.

Sec. 40 **42. TOWNSHIP.**

"Township" shall mean the Township of Evangeline.

Sec. 41 **43. TOWNSHIP CONNECTION FEE**

"Township Connection Fee" shall mean the charge imposed by the Township to grant permission to connect a Building Sewer to the Service Connection. This charge represents the cost attributable to the acquisition of the Service Connection and the availability to each premise of the collection and interceptor sewers and appurtenances thereto located in the Service District.

Sec. 44. TREATMENT WORKS.

"Treatment Works" shall mean all facilities for collecting, pumping, treating and disposing of ~~sewage, as defined in Section 29 above~~ **Sewage**.

Sec. 42 **45. USER CHARGE.**

"User Charge" shall mean the charge levied on all users of the treatment works for the cost of operation and maintenance, including replacement and depreciation, of such treatment works and the cost of any bond debt of which debt repayment is to be made from the revenues of such works.

Sec. 43 ~~45~~. WATERCOURSE. .

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

ARTICLE II
USE OF PUBLIC SEWERS REQUIRED

**Sec. 1. DEPOSITING SEWAGE UPON PUBLIC OR PRIVATE PROPERTY;
UNLAWFUL.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Service Area any human or animal excrement, garbage, or other objectionable waste.

**Sec. 2. DISCHARGING UNTREATED SEWAGE INTO NATURAL OUTLET;
UNLAWFUL.**

It shall be unlawful to discharge to any natural outlet within the Township of Evangeline, or in any area under the jurisdiction of said Township of Evangeline, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. PRIVY, SEPTIC TANK; UNLAWFUL; EXCEPTIONS.

Except as hereinafter provided, it shall be unlawful to construct or maintain in the Service Area any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec. 4. MANDATORY CONNECTION TO SEWER; TIME LIMIT.

The owner of all structures in which sanitary sewage originates (i.e., a building in which toilet, kitchen, laundry, bathing or other facilities which generate sewage are used or available for use for household, commercial, industrial or other purposes) situated within the Service Area 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 sewer is hereby required at his expense to connect such structures directly with the proper public sewer in accordance with the provisions of this ordinance, within 60 days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

New construction shall be connected prior to occupancy.

Sec. 5. ENFORCEMENT IN THE EVENT OF A FAILURE TO CONNECT.

In the event a required connection to the public sewer system is not made within the time provided by this Ordinance, the Township or City shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available public sanitary sewer system and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Township ordinance and state law. In the event the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Township or City may bring an action in the manner provided by law in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the available public sanitary sewer system.

Sec. 6. INDUSTRIAL ~~Sec. 5. INDUSTRIAL WASTES.~~

Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the City.

The City may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

- (a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
- (b) Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwaters, noted, described, and the waste stream identified.
- (c) Sample test, and file reports with the Superintendent and the appropriate State agencies on appropriate

characteristics of wastes on a schedule, at locations, and according to methods approved by the Superintendent.

- (d) 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.
- (e) Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.
- (f) Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oils, radioactive materials, solvents or other wastes.
- (g) 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 City Manager subject to approval.

ARTICLE III PRIVATE SEWAGE DISPOSAL

Sec. 1. WHERE PERMITTED.

Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the ~~building sewer~~ **Building Sewer** shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. TYPE; CAPACITY; LOCATION; LAYOUT.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the County Health Department and other agencies having jurisdiction.

Sec. 3. WHEN PUBLIC SEWER BECOMES AVAILABLE.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 4. OPERATION; MAINTENANCE.

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

**ARTICLE IV
BUILDING SEWERS AND CONNECTIONS**

Sec. 1. PERMIT REQUIRED.

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 Superintendent.

**Sec. 2. CLASSES OF BUILDING SEWER PERMITS; PERMIT
AND INSPECTION FEE.**

There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by plans, specifications, or other pertinent information as shall be reasonably requested by the City. The permit application shall be accompanied by payment of ~~a permit and inspection fee in the amount established from time to time by resolution of the Township Board~~ the City Connection Fee. A duplicate of the permit application shall be filed with the Township accompanied by payment of the Township Connection Fee .

Sec. 3. COSTS; INDEMNIFICATION.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township and the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. SEPARATE AND INDEPENDENT SEWER; EXCEPTION.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. OLD SEWERS.

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

Sec. 6. SIZE; SLOPE; ALIGNMENT; MATERIALS.

The size, slope, alignment, materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Township and the City of Boyne City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. ELEVATION; LIFTING SEWAGE.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all

buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. SURFACE RUNOFF OR GROUNDWATER.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9. CONNECTION INTO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Township and the City, or the procedures set forth in appropriate specifications, and shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Superintendent before installation.

Sec. 10. INSPECTION AND CONNECTION.

The applicant for the building sewer permit shall notify the City Building Inspector or other authorized City representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or other authorized City representative.

Sec. 11. EXCAVATIONS; RESTORATION.

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

Sec. 12. CAPACITY.

No connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment facilities.

Sec. 13. CITY RESPONSIBILITY FOR REPAIRS, OPERATION, MAINTENANCE, AND REPLACEMENT.

The cost of all repairs, operation, maintenance and replacement of the public sewer system including that portion of the Service Connection located in a public right-of-way shall be a budgeted expense of the City owned system pursuant to the Service Agreement.

Sec. 14. PROPERTY OWNER'S RESPONSIBILITY FOR REPAIRS, OPERATION, MAINTENANCE AND REPLACEMENT.

The cost of all repairs, operation, maintenance and replacements of Building Sewers and their connection to the public sewer system shall be borne by the property owner. The cost of all repairs, operation, maintenance and replacement of the Service Connection to the extent located on private property shall also be borne by the property owner.

**ARTICLE V
USE OF THE PUBLIC SEWERS**

Sec. 1. DISCHARGE OF UNPOLLUTED WATER INTO SANITARY SEWER; PROHIBITED.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. UNPOLLUTED DISCHARGES; WHERE ALLOWED.

Storm water and all other unpolluted drainage shall be discharged

to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate State agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate State agency, to a storm sewer or natural outlet.

Sec. 3. PROHIBITED DISCHARGES; LIMITS.

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

- A. BOD₅ in excess of 200 mg/l.
- B. COD in excess of 450 mg/l.
- C. Chlorine demand in excess of 15 mg/l.
- D. Color, as from but not limited to dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations.
- E. Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammable shall not be admitted.
- F. Garbage that is not properly shredded (no particle size greater than 1/2 inch) shall not be allowed.
- G. Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l; or other substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F. shall not be admitted to the sanitary sewer.
- H. Industrial wastes in concentrations above those listed below shall not be allowed to enter sanitary sewers;

Cd

CN

Cr + 6

Cr

Total Limitations set forth by appropriate

Cu State agencies to comply with Federal
Fe Guidelines for protection of treatment
Ni plant and receiving watercourse, and
Pb limitations set forth in the NPDES permit.
Phends
Zn

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

- I. Inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.
- J. Insoluble, solid, or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc., shall not be admitted to sanitary sewers.
- K. Noxious or malodorous gas, such as but not limited to Hydrogen Sulfide, Sulphur Dioxide, or Oxides of Nitrogen, and other substances capable of public nuisance shall not be allowed.
- L. pH less than 5.5 and greater and 9.5 shall not be allowed.
- M. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable State and Federal regulations, shall not be allowed.
- N. Suspended Solids in excess of 250 mg/l.
- O. Temperature of wastes less than 32 degrees F. and greater than 150 degrees F. shall not be allowed.
- P. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment

plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 4. PROHIBITED DISCHARGES; OPTIONS.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this article, and which, in the judgment of the authorized representative of the City, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. Reject the wastes.
- B. Require pretreatment to the level defined as "Normal Domestic Sewage".
- C. Require control over the quantities and rates of discharge.
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provisions of Section 9, of this article.
- E. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the City concerning the proposed flows.

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

Sec. 5. INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper

handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 6. PRELIMINARY TREATMENT FACILITIES.

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

Sec. 7. CONTROL MANHOLES.

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

Sec. 8. MEASUREMENTS; TESTS; ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The

particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether grab sample or samples should be taken.

Sec. 9. SPECIAL AGREEMENTS.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

Sec. 10. INDUSTRIAL COOLING WATER.

Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to the storm sewer.

Sec. 11. RIGHT OF ENTRY FOR INSPECTION.

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

ARTICLE VI CUSTOMER RATES AND CHARGES

Sec. 1. RATES AND CHARGES.

The owners of or parties in interest in properties that discharge sanitary sewage to the sewer system ~~to the Service District~~ shall be ~~sewer~~ customers of the ~~sanitary sewer system of the City of Boyne City, in accordance with the Sanitary Sewer Service and Franchise Agreement dated May 19, 1992 and entered into by the Township and the City of Boyne City~~. For the service provided by the sewer system, sewer system customers shall pay ~~rates and charges~~ ~~User Charges~~ to the City ~~of Boyne City~~ in the amounts and

upon the terms provided by resolution adopted by the Evangeline Township Board. ~~Such rates and charges~~ The User Charge shall be as determined from time to time by the City Commission ~~of the City of Boyne City, and the Evangeline~~, and the Township Board, but shall not exceed one and one-half times the rates and charges charged by the City ~~of Boyne City~~ to its sewer system customers located within the City who discharge sanitary sewage to the sewer system from within the City ~~of Boyne City~~.

Sec. 2. CONNECTION FEES.

~~{To be inserted.}~~

The owner of each premises required or permitted to connect to the public sewer system in the Service District shall pay a City Connection Fee and a Township Connection Fee in cash at the time of filing an application for a service permit pursuant to Article IV, Section 2, above.

(a) Computation. The City Connection Fee and Township Connection Fee shall be separate rates per Service Connection established by resolution of the Township Board from time to time.

(b) Cost and Expense of Service Connection. From the proceeds of the Township Connection Fee, the Township shall purchase and make available to the owner of the premises the grinder pump and related components of the Service Connection.

(c) Credit for Special Assessments. Those parcels located in a special assessment district in the Service District and subject to a full special assessment shall be deemed to have paid the City Connection Fee and Township Connection Fee.

(d) Multiple Family Dwelling. In the event of the application for connection by a multiple family dwelling, each dwelling unit shall be considered to have a separate Service Connection for purposes of computing the applicable Connection Fee.

(e) Extension of Public Sewer. In the event the owner of a premise extends the public sewer in order to connect thereto, the cost of said extension shall be paid by said owner in addition to the City Connection Fee and the Township

Connection Fee, said extension shall be constructed to City specification and upon completion, said extension shall become the property of the City and part of the public sewer system in accordance with the Sewer Agreement.

Sec. 3. SEWER USER CLASSES.

All customers of the sanitary sewage works will be included in a user class and each user class will pay for its proportionate use of the treatment works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement), and debt retirement of the sewer system. The classes of sewer system user for the purpose of determining the user charge, shall be as follows:

Class I - Residential - shall include those customers which discharge only normal domestic sewage and are defined as "Residential Users" in this Ordinance.

Class II - Commercial - shall include those customers which discharge only normal domestic sewage and are defined as "Commercial Users" in this Ordinance.

Class III - Institutional - shall include those customers which discharge only normal domestic sewage and are defined as "Institutional Users" in this Ordinance.

Class IV - Governmental - shall include those customers which discharge primarily normal domestic sewage and are defined as "Governmental Users" in this Ordinance.

Class V - Industrial - shall include those customers which discharge domestic sewage and/or industrial wastes and are defined as "Industrial Users" in this Ordinance.

INDUSTRIAL SEWER USERS

Each industrial sewer customer, as defined above, shall pay its share of the capital, operation, maintenance, replacement and depreciation costs for treatment of the industrial wastes, plus an amount that may be paid by industrial customers for the recovery of the portion of Federal grants allocable to the treatment of

industrial wastes as defined in Article I of this Ordinance, if such industrial wastes are discharged.

INDUSTRIAL PROCESS WASTEWATER; PRETREATMENT; SURCHARGE

Each industrial sewer customer that discharges to the system process wastewater which exceeds the limits of normal domestic sewage will be required to either (1) provide satisfactory pretreatment to reduce the strength of the wastewater to normal domestic levels, or (2) pay a surcharge equal to the costs required to treat the additional BOD, suspended solids, or other toxic pollutants. The surcharge shall be based on Model No. 2 of the August 11, 1973 Federal regulations as published in the Federal Register, Volume 38, No. 161, as follows:

MODEL NO. 2

$$C_s = [B_c (B) + S_c (S) + P_c (P)] V_u$$

C_s = A surcharge for wastewaters of excessive strength.

V_u = Volume contribution from a user per unit of time.

B_c = O & M cost for treatment of a unit of biochemical oxygen demand (BOD).

B = Concentration of BOD from a user above a base level.

S_c = O & M cost for treatment of a unit of suspended solids.

S = Concentration of SS from a user above a base level.

P_c = O & M cost for treatment of a unit of any pollutant.

P = Concentration of any pollutant from a user above a base level.

Sec. 4. INDUSTRIAL COST RECOVERY SYSTEM.

INDUSTRIAL COST RECOVERY

Each industrial user, as defined above and in this Ordinance, that discharges to the system will be subject to an industrial cost recovery charge equal to each industrial user's allocable share of the Federal construction grant for sewer system received by the City of Boyne City after March 1, 1973 based on pollutant loading, volume and delivery flow rate.

INDUSTRIAL USER

An industrial user for the purpose of the "Industrial Cost Recovery System" shall be as defined in this Ordinance.

NONINDUSTRIAL USER

A nonindustrial user is any user of the sewer system that is not an industrial user. Nonindustrial users are not subject to the industrial cost recovery system.

INDUSTRIAL COST RECOVERY PERIOD

The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge. The period of time shall be equal to 30 years or the useful life of the treatment works, whichever is less, as determined by the City of Boyne City.

INDUSTRIAL COST RECOVERY CHARGE

The industrial cost recovery charge for each industrial user shall be a portion of the Federal construction grant amount received by the City of Boyne City for sewer system improvements, equal in proportion to the industrial share of the total capacity of the City's sewage treatment facility in terms of strength, volume and delivery flow rate. Specifically, the industrial share of the total capacity shall be determined by one of the three following relationships, whichever produces the largest value.

- a. Industrial volume contribution per unit of time . Plant design volume per unit of time.

- b. Industrial BOD contribution per unit of time . Plant BOD design capacity per unit of time.
- c. Industrial suspended solids contribution per unit or time . Plant suspended solids design capacity per unit of time.

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industry divided by the number of years in the cost recovery period.

RECOVERED AMOUNTS

Cost recovered from industrial users shall be deposited by the City of Boyne City in a separate account identified as the Industrial Cost Recovery Account. Funds shall be distributed from the Industrial Cost Recovery Account in accordance with U.S. Environmental Protection Agency rules and in the following manner:

- a. The City of Boyne City shall retain fifty (50) percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
- b. Eighty (80) percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the sewage treatment facility. The remainder of the retained amount may be used in the discretion of the City Commission of the City of Boyne City.

Sec. 5. RATE ADJUSTMENTS

The City Manager of the City of Boyne City, acting with the approval of the City Commission of the City, shall have the right to adjust sewer user charges based on an audit review of the sewer system costs. Such an audit review shall be conducted annually. The City Manager, acting with the approval of the City Commission, shall also have the right to adjust the industrial cost recovery charges to any industrial sewer user that makes a significant change in the volume, strength or delivery flow rate of such industrial customer. Industrial users will only be required to pay

for those years of the cost recovery period that they use the system and only at an annual rate in proportion to the length of the entire recovery period.

Sec. 6. BILLING AND COLLECTION.

The City of Boyne City shall be responsible for the billing of rates and charges and other sewer system fees to Township customers of the sewer system, and for the collection of such rates, charges and fees. In the event that customers fail or neglect to pay bills for sewer service, the City of Boyne City may in its sole discretion discontinue sewer service to such delinquent customers. Discontinued sewer service need not be reestablished until all delinquent rates, charges, fees, interest, penalties and other sewer system obligations have been paid in full, in accordance with this ordinance and applicable resolutions adopted by the Township Board.

Sec. 7. DELINQUENT CHARGES; LIEN.

The charges for sewer service which are, under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, 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 any such charges against any piece of property shall be delinquent for six (6) months, the City of Boyne City shall certify annually to the Township, on September 1st of each year, the fact of such delinquency, whereupon such delinquent charge shall be entered upon the next tax roll as a charge against such premises 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, no further service shall be rendered to such premises until a cash deposit of Seventy-five (\$75.00) Dollars shall have been made as security for payment of such charges and service.

ARTICLE VII

~~PROTECTION FROM DAMAGE~~

~~Sec. 1. DAMAGE PROHIBITED; ARREST OF VIOLATORS.~~

~~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 Township sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.~~

~~ARTICLE VIII~~

POWERS AND AUTHORITY OF INSPECTORS; ENFORCEMENT OF ORDINANCE

Sec. 1. RIGHT OF ENTRY, INQUIRY; LIMITATION.

The Building Inspector and other duly authorized representative of the Township or of the City of Boyne City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Building Inspector or his representatives, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2. INDEMNIFICATION.

While performing the necessary work on private properties referred to in Article ~~VIII~~ **VII**, Section 1 above, the Building Inspector or duly authorized representative of the Township or of the City of Boyne City shall observe all safety rules applicable to the premises established by the owner occupants and such owners or occupants shall be held harmless for injury to or death of the Township or City representatives and the Township or City shall indemnify any claims and demands for personal injury or property damage asserted against such owners or occupants and arising out of such inspection and sampling operations, except as such may be caused by the negligence or failure of such owners and occupants to maintain safe conditions as required in Article V, Section 7, or otherwise caused by such owners or occupants.

Sec. 3. ENFORCEMENT OF ORDINANCE.

It is the Township's intent that the City be empowered, to the extent permitted by law, to operate, maintain and administer the

System on behalf of the Township pursuant to the Sewer Agreement and to administer and enforce the provisions of this Ordinance on behalf of the Township. If the City is unable to act with respect to any matter permitted in this Ordinance, then the Township shall act in place of the City.

ARTICLE ~~IX~~ VIII
PENALTIES

Sec. 1. ~~DAMAGE TO SYSTEM.~~

No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the public sewer system, including any Service Connection, or connect or disconnect any Building Sewer to the system.

Sec. 2. ~~NOTICE OF VIOLATION.~~ TO CEASE AND DESIST.

~~Any person~~ Except for the violations of Article VIII, Section 1 hereof, any Person found to be violating any provision of this ordinance, ~~except Article VI,~~ Ordinance shall be served by the Township or the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. ~~2.~~ PENALTY. 3. CIVIL INFRACTION.

~~Any person who shall continue~~ Violation of Article VIII, Section 1, or any violation beyond the time limit provided for in ~~Article VIII, Section 1,~~ shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate ~~Article VIII, Section 2,~~ shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$50 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs,

damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Sec. -3- 4. NUISANCE; ABATEMENT

Any violation of this Ordinance is deemed to be a nuisance per se. The Township or the City in the furtherance of the public health may enforce the requirement of this Ordinance by injunction or other remedy and is hereby empowered to make all necessary repairs or take other corrective action necessitated by such nuisance or violation. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Township or the City as the cause may be for the costs and expenses incurred by the Township or the City in making such repair or taking such action.

Sec. 5. LIABILITY FOR EXPENSES .

Any person violating any of the provisions of this ordinance shall become liable for any expense, including reasonable attorney's fees, loss, or damage occasioned by reason of such violation.

Sec. 6. REMEDIES ARE CUMULATIVE.

The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE -X IX
VALIDITY

Sec. 1. REPEAL.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. VALIDITY.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Sec. 3. STATE AND FEDERAL LAW REQUIREMENTS

If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

~~-Seet~~ **Sec . 4. ARTICLE AND SECTION HEADINGS**

The Article and Section headings used in this Ordinance are for convenience of reference only and shall not be taken into account in construing the meaning of any portion of this Ordinance.

ARTICLE ~~-XI~~ **X
MISCELLANEOUS**

Sec. 1. PUBLICATION.

A true copy or a summary of this Ordinance shall be published in _____, a newspaper of general circulation in the Township, within thirty (30) days after the adoption of the Ordinance by the Township.

Sec. 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.

ARTICLE ~~-XII~~ **XI
AMENDMENT**

Sec. 1. RESERVATION OF RIGHT TO AMEND.

Subject to the provisions of the Sewer Agreement, the Township specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease, or otherwise modify any of the fees, charges or rates herein provided.

Passed and adopted by the Township Board of the Township of Evangeline, County of Charlevoix, Michigan on _____, ~~1994~~ 1995, and approved by me on _____, ~~1994~~ 1995.

R. Douglas Shields,
~~Supervisor~~ Supervisor
Township of Evangeline

Attest:

Michelle Cortright, Township Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of Ordinance adopted by the Township Board of the Township of Evangeline, County of Charlevoix, State of Michigan, at a _____ meeting held on _____, -1994 ~~1995~~, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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

Michelle ~~Cartright~~ ~~Cortright~~,
Township Clerk

CERTIFICATE OF PUBLICATION

I, Michelle ~~Cartright~~ ~~Cortright~~, Township Clerk of the Township of Evangeline, County of Charlevoix, Michigan, hereby certify pursuant to MCLA 41.184 that Township Ordinance No. _____, or a summary thereof, was published in _____, on _____, -1994 ~~1995~~.

Dated: _____, -1994 ~~1995~~
Township Clerk Michelle ~~Cartright~~ ~~Cortright~~,

Section 6. **FRANCHISE NOT EXCLUSIVE.** The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 7. **RATES.** Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

Section 8. **REVOCATION.** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. **MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION.** Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

Section 10. **ASSIGNMENT OF FRANCHISE.** Grantee shall not assign this Franchise to any other person, firm or corporation without the prior written approval of the Township Board. The Township shall not unreasonably withhold its consent to an assignment if the Assignee is financially able to carry out the Grantee's obligations under this Franchise. The assignment of this Franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the Township Board.

Section 11. **EFFECTIVE DATE.** This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the Township of Evangeline, Charlevoix County, Michigan, on the _____ day of _____, 1996

Township Supervisor

Attest: _____
