

**ORDINANCE NO. 24-G-04  
THOMAS TOWNSHIP  
SAGINAW COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND TITLE 8, "WATER AND SEWER" OF ORDINANCE NO. 98-G-05, "CODE OF THE TOWNSHIP OF THOMAS"; TO PROVIDE FOR REPEAL AND SAVINGS PROVISIONS; AND TO PROVIDE FOR PUBLICATION AND EFFECTIVE DATE.**

The Township of Thomas, Saginaw County, Michigan hereby ordains:

**Amendment of Title 8, "Water and Sewer"**

**Section 1.** That Title 8, "Water and Sewer" of Ordinance No. 98-G-05, "Code of the Township of Thomas" is hereby amended to read as follows:

**TITLE 8**  
**WATER AND SEWER**

<b>SUBJECT</b>	<b>CHAPTER</b>
Administration; General Provisions	T8-1
Water System	T8-2
Sewer System	T8-3
Industrial Pretreatment	T8-4
Water And Sewer Rates, Fees and Charges	T8-5

**CHAPTER 1 ADMINISTRATION; GENERAL PROVISIONS**

**SECTION:**

**8-1-1: RULES APPLYING TO THE TEXT:**

For the purposes of this Ordinance, certain rules of construction apply to the text, as follows:

- A. Tenses; Plurals: Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- B. Common Meanings: Any word or term not herein defined shall be used with a meaning of common standard use.
- C. Shall; May: The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

**8-1-2: DEFINITIONS:**

The following definitions shall be considered as fixed and determined by the Township Board of Trustees as to all matters referred to herein:

*APPLICATION:* Shall mean the forms filed with the Department of Public Works DPW Director requesting utility services.

*BIOCHEMICAL OXYGEN DEMAND (BOD):* Shall mean the quantity of decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at twenty degrees Celsius (20°C) and expressed in milligrams per liter (mg/l). The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

*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 five feet (5') outside the inner face of the building wall.

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*BUILDING SEWER:* Shall mean the extension from the building drain to the public sewer or other place of disposal.

*CAPACITY CHARGE:*

- A. *Sanitary Sewer Capacity Charges* are a one-time lump-sum fee to pay for sewer capacity in the Township's sanitary sewer collection system.
- B. *Water Capacity Charges* are a one-time lump-sum fee to pay for capacity in the Township's municipal water distribution system.

*CATEGORICAL PRETREATMENT STANDARDS:* Shall mean National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into the publicly owned treatment works (POTW) by specific industrial dischargers.

*COLLECTION SYSTEM:* See "Sanitary Sewer Collection System"

*COMPOSITE SAMPLE:* A "composite sample" should contain a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period (EPA).

*CONNECTION FEE:* Shall mean the charge to recover the cost of connecting the customer's service connection to the Township's water main or sewer line including service pipe; corporation stop; curb stop; curb box and water meter as necessary.

*CONSUMPTION CHARGE:* Shall mean rate charged per one thousand (1,000) gallons of water used.

*COUNTY:* Shall mean the County of Saginaw, State of Michigan.

*CURB STOP:* (also known as a valve box, buffalo box, or curb box) shall mean a vertical sleeve, operated by the Township, housing the shut-off valve (curb stop) for a property's water service line.

*CUSTOMER:* Shall mean one that purchases water from or discharges sanitary sewage to Thomas Township.

*DEBT SERVICE CHARGES:* Shall mean a system of charges levied on users for the recovery of local capital costs.

*DEPARTMENT OF PUBLIC WORKS (DPW):* Shall mean the Thomas Township Department charged with operation and maintenance of its water supply and sanitary sewage systems.

*DPW DIRECTOR:* Shall mean the Director of the Department of Public Works of the Township of Thomas, Saginaw County, Michigan, or authorized deputy, agent or representative.

*DIRECT CONNECTION:* Shall mean an unmetered service connection, for example, a fire line.

*DISCHARGER - INDUSTRIAL DISCHARGER:* Shall mean any non-domestic user who discharges an effluent, other than sewage, into the POTW by means of pipes, conduits, pumping stations, force-mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

*EGLE:* Shall mean the Michigan Department of Environment, Great Lakes, and Energy or any successor.

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*FIRE LINE:* Shall mean an unmetered service connection designated solely for fire protection. It connects to a hydrant and/or sprinkler system.

*GARBAGE:* Shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

*GRAB SAMPLE:* Shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time (USEPA).

*INCOMPATIBLE POLLUTANT:* Any pollutant which is not defined in this section as a compatible pollutant.

*INDIRECT DISCHARGE:* Shall mean the discharge or the introduction of non-domestic pollutants from a source regulated under section 307(b) or (c) of the Act, into the POTW.

*INDUSTRIAL WASTE:* Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

*INSPECTOR:* Shall mean any person or persons duly authorized by the Township DPW Director to inspect and approve the installation of water and sewer connections.

*INTERFERENCE:* Shall mean the inhibition or disruption of the POTW's sewer system, sewer treatment processes or operations which may contribute to a violation of any requirement of its NPDES permit.

*LATE CHARGE:* Shall mean the charge for late payment of utility bill.

*LOT:* Shall mean a plot of land, commonly referred to as "plot", "tract", or "parcel".

*MASTER METER:* Shall mean totalizing meter for specific service districts; including multiple-unit dwellings, mobile home parks, and other developments.

*METER:* Shall mean an instrument for measuring and recording water usage. See also definition of Sprinkler Meter.

*METER PIT:* A below ground chamber or pit, found in the water distribution system, that houses a water meter assembly between a water main and a residence or business.

*MOBILE HOME:* Shall mean a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure as defined in Act 96 of the Public Acts of Michigan of 1987, as amended.

*MOBILE HOME PARK:* Shall mean a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home as defined in Act 96 of the Public Acts of Michigan of 1987, as amended.

*NPDES:* Shall mean National Pollutant Discharge Elimination System permit program as administered by the State of Michigan EGLE.

*NATURAL OUTLET:* Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

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*NORMAL DOMESTIC STRENGTHS*: Shall mean wastewater discharged at concentration levels typical of normal human activity. These levels are:

200 mg/l for BOD

200 mg/l for suspended solids

*OPERATION AND MAINTENANCE COSTS (O & M)*: Shall mean the total annual cost of operating and maintaining the water or sanitary sewer systems, including replacement costs.

*OPEATOR-IN-CHARGE*: Shall mean a person who is properly certified (S2 License) by the State of Michigan to operate and maintain public water systems, and is chosen by the owner of a public water supply as the operator in charge of a water system.

*OTHER WASTES*: Shall mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

*PERMIT*: Shall mean authorization by the Township for service connection to a customer.

*PERSON*: Shall mean any individual, firm, company, association, society, corporation or group.

*PFAS*: Perfluoroalkyl and Polyfluoroalkyl substances including, but not limited to PFOA (Perfluorooctanesulfonic acid) and PFOS (Perfluorooctanic acid)

*PLUMBING CODE*: Shall mean the Plumbing Code adopted by Thomas Township.

*POLLUTANT*: Shall mean any substance discharged into the POTW or its collection system.

*POTABLE WATER OR WATER*: Shall mean water suitable for drinking.

*PREMISES*: Shall mean 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 or taxpayers 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, now or hereafter.

*PRETREATMENT*: Shall mean the reduction of the quantity of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

*PROCESS WATERS*: Shall mean waters that come in contact with an end product or with materials incorporated in an end product.

*PROPERLY SHREDDED GARBAGE*: Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

*PUBLICLY OWNED TREATMENT WORKS (POTW)*: Shall mean the entire gravity collection system, pump stations and force mains in addition to the Saginaw Charter Township Wastewater Treatment Plant (SCTWWTP) for collecting, conveying and treating wastewater.

*READY TO SERVE CHARGE*: Shall mean a fee charged to each customer on each billing cycle based on the capacity needs of the customer.

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*REMOTE RECORDING DEVICE:* Shall mean a digital, high-resolution encoder with radio or cellular endpoint, or an analog register located outside the customer's building and attached by wire to the meter inside the building for the purpose of electronically recording the read from the meter inside the premises. It is also called an HRE of for the analog register, a read-o-matic or reado.

*REPLACEMENT COSTS:* Shall mean expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the service life of the water or sewer system or any part thereof to maintain capacity and performance for which such works were designed and constructed.

*RESIDENTIAL EQUIVALENT UNIT (REU):* Shall mean a factor used to convert the wastewater flow of commercial, industrial and multi-family premises to single-family residential use. *One (1) unit* shall mean the quantity of sanitary sewage ordinarily arising from the occupancy of a residence by a single family of ordinary size as shall from time to time be defined by the Township Board of Trustees and assigned to premises in the Township. One unit is currently defined as two hundred fifty (250) gallons per day of sewer effluent.

*SAGINAW CHARTER TOWNSHIP WASTEWATER TREATMENT PLANT* or SCTWWTP: Shall mean the wastewater treatment facility operated by Saginaw Charter Township for its own use as well as serving Thomas Township.

*SANITARY SEWER COLLECTION SYSTEM, or COLLECTION SYSTEM:* Shall mean a public sanitary sewer system including all pump stations, pipelines and appurtenances located in a right-of-way easement, highway, street or public way which crosses, joins or abuts upon property and to which storm, surface and ground waters are not admitted.

*SEWAGE:* See definition of Wastewater.

*SEWER SERVICE CHARGE:* Shall mean the charge for sewage volume based on water usage excluding sprinkler meters.

*SLUG-LOAD:* Shall mean any substance released in a discharge at a rate and/or concentration which causes interference to the efficient operation and maintenance of the sanitary sewer collection system, pumping stations or the POTW.

*SPRINKLER METER:* Shall mean the water meter used solely for measuring water for sprinkling and other yard uses, which water does not enter the public sanitary sewer system.

*STANDARD METHODS:* Shall mean 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 the Water Pollution Control federation and as set forth in federal register reprint 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants".

*STORM SEWER OR STORM DRAIN:* Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*STRUCTURE IN WHICH SANITARY SEWER ORIGINATES OR STRUCTURE:* Shall mean a structure in which toilet, kitchen, laundry, bathing or other facility which generates water-carried sanitary sewage is used or is available for use for household, commercial, industrial or other purposes.

*SURCHARGE:* Shall mean a charge levied on users of a sewage system and treatment works for the cost of handling wastewaters which are discharged in concentrations greater than normal domestic strengths.

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

*TOWNSHIP*: Shall mean the Township of Thomas, Saginaw County, Michigan.

*TOWNSHIP BOARD OR BOARD*: Shall mean the Township Board of Trustees of said Township of Thomas, the legislative and governing body thereof.

*TOWNSHIP ENGINEER*: Shall mean the professional engineering organization retained by the Township.

*TOWNSHIP LIMITS*: Shall mean the incorporated boundaries of the Township.

*TOWNSHIP MANAGER OR MANAGER*: Shall mean the appointed manager of the Township.

*TOXIC POLLUTANTS*: Shall mean those substances listed in applicable state and federal regulations.

*UPSET*: Shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation thereof.

*USED OR OCCUPIED*: As applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

*USER*: Shall mean any person who contributes, causes or permits the contribution of wastewater, sewage, wastes or uncontaminated water into the POTW.

*USER CHARGES*: Shall mean a system of charges levied on customers of the POTW for the cost of operation and maintenance including replacement of such works.

*VALVE BOX*: Shall mean a protective casing which houses the water main isolation valve.

*WASTEWATER*: Shall mean the spent water or effluent of the community. It may be a combination of liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions that may be discharged into the POTW.

*WATER SERVICE CONNECTION*: Shall mean the portion of the connection from the Township's water main to, and including, the curb stop at or adjacent to the street line of the customer's property line. It includes valves, fittings, and other appurtenances, that the DPW may require at or between the water main and the curb stop.

*WATER MAIN CONSTRUCTION COST RECOVERY CHARGE*: Shall mean the charge to recover the cost of constructing water mains which were installed by others at no initial cost to individual property owners.

*WATER MAIN EXTENSION*: Shall mean an extension of Township-owned water mains, usually occurring in a road right of way or easement.

*WATER SUPPLY SYSTEM OR SYSTEM*: Shall mean the Township-owned water supply system including water mains, hydrants, water tower(s), and other appurtenances excluding customer service connections.

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*WATERCOURSE*: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**8-1-3: ADMINISTRATION OF SYSTEM:**

- A. Administration; Disposition of Funds: The water supply and sanitary sewer systems located in the Township of Thomas, Saginaw County, Michigan, shall be operated under the direction and control of the Township Board of said Township. The Township Board shall have the power to hire the necessary employees to operate said water supply and sanitary sewer systems and shall supervise the operation of the systems and make all necessary rules and regulations. All funds of the systems shall be kept and disbursed by the Township treasurer. The Board shall fix all salaries, wages, and compensation to be paid all employees of said systems, the same to be paid as an operating expense of said systems.
- B. Fiscal Year: The systems shall be operated upon the basis of a fiscal year beginning on April 1, of each year, and ending on March 31 of the following year.

**8-1-4: INSPECTIONS:**

The DPW Director and other duly authorized employees of the Township or SCTWWTP bearing proper identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

**8-1-5: INTERRUPTIONS OF SERVICE:**

- A. Interruptions Authorized; Notice: The Township of Thomas 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 distribution system, collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- B. Nonliability Of Township for Interruptions: The Township of Thomas shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, interference of operations by Act of God or force majeure, 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.
- C. Discontinuance Of Service: Applications may be canceled and water or sewer service discontinued by the Township of Thomas for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
  - 1. Misrepresentation in the application as to the property or fixtures to be serviced by the water or sanitary sewer system.
  - 2. Nonpayment of bills.
  - 3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

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### **8-1-6: PENALTY:**

- A. Civil Penalties: Any discharger who is found to have violated an order of the Township who has failed to comply with the provision of this ordinance and the regulations or rules of the Township or orders of any court of competent jurisdiction may be subjected to the imposition of a civil penalty.
- B. Recovery of Costs Incurred by The Township: Any discharger violating any of the provisions of this ordinance, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Township's sanitary sewer system or the Saginaw Charter Township Wastewater Treatment Plant, shall be liable to the Township for any expense, loss or damage caused by such violation or discharge. The Township shall bill the discharger for the costs incurred by the Township for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this ordinance enforceable under the provisions of Article 6 of this ordinance<sup>1</sup>.
- C. Falsifying Information: Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required under this ordinance, shall upon conviction, be punished by the imposition of a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both in the discretion of the court, in addition to the other penalties provided herein.
- D. Misdemeanor: Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not to exceed ninety (90) days, or both in the discretion of the court. Each day of the violation and each occurrence shall be considered a separate violation.

### **8-1-7: CIVIL LIABILITY:**

Any person violating any of the provisions of this ordinance shall be liable to the Township of Thomas for any expense, loss and/or damage occasioned to the Township of Thomas by reason of such violation, and recovery for same may be had in an appropriate action in any court of competent jurisdiction.

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<sup>1</sup>Cross reference(s)—See Chapter 1 of this Title.

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## **CHAPTER 2 WATER SYSTEM**

### **SECTION:**

#### **8-2-1: SERVICE CONNECTION:**

- A. Application For Service: No service connection shall be constructed for the purpose of introducing water into any premises until a permit is approved for the service connection in writing by the DPW. The property owner or his/her agent shall submit a permit application to the DPW on the standard Township form. The DPW Director shall review the application and approve or disapprove said application. All fees shall be paid by the applicant prior to submittal of the application for permit.
- B. Installation Of Service Connections: Service connections shall be installed only by the Township or its contracted installer. The water service connection material shall be type K copper pipe for two-inch (2") or smaller service and SDR 9 (PEX) pipe that is suitable for drinking water for services greater than two inches (2"). Materials shall be approved by the DPW Director and the Township's engineer. In no case shall lead solder be used for construction of the service connection. All water connection services shall be five feet (5') deep under the surface of the street or lowest part of the gutter. No water service connection shall be laid in the same trench with a sewer pipe unless supported upon an earth shelf at least one and one-half feet (1 1/2') above the sewer and ten feet (10') horizontally from the sewer unless approved in writing by the DPW Director and Township Engineer.

The Township shall install a curb stop with a curb box at approximately the street line or private property line. The curb stop shall be under the exclusive control of the Township. No person other than an authorized employee of the Township shall open, close, or otherwise operate said curb stop provided, however, that any licensed plumber may open or close the curb stop in emergency cases when authorized by the DPW Director.

- C. Customer Service Connections: All pipe used in the customer service connections shall be of the same type as described in subsection B above "Installation of Service Connections". The entire customer service connection shall be installed at the customer's expense and shall include meter isolation valves conveniently placed immediately before and after the water meter. The necessary couplings for connecting the meter shall be furnished by the Township and be included in the cost of the connection charge. In no case shall lead solder be used for construction of the customer service connection. Any newly constructed customer service connection shall not be covered until inspected and approved by the DPW Director.

The maintenance of the customer service connection is entirely at the cost of the customer. In the event repairs, replacement or thawing of the customer service connection is required as determined by the DPW Director, the customer shall complete the repairs, replacement or thawing of the customer service connection at his/her cost within the time frame as allowed by the DPW Director. Failure to complete the work within the time frame shall allow the DPW Director to discontinue service to the premises.

#### **8-2-2: WATER METERS:**

- A. Meter Installation: All service connection other than fire lines 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. All meters shall include an encoder and electronic transmitter installed within the

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customer's building or a remote recording device to be installed and located outside the customer's building in a location suitable to the DPW Director. In the case of a discrepancy between the reading on the remote recording device and the meter inside the premises, the meter inside the premises shall be considered the official read. A master meter shall be required at the property line (in a meter pit) for all services greater than three hundred feet (300') in length or at the discretion of the DPW Director. Maintenance of the customer's service connection downstream of the master meter shall be at the customer's sole expense. If a customer with a master meter requests individual meters downstream of the master meter, the Township will not read the individual meters and will bill only for the master meter.

- B. Meter Locations: If, in the judgment of the DPW Director, a meter pit is required for the service connection, such meter pit shall be installed by the Township or the Township's contractor. The cost of installing such meter pit shall be paid by the customer, and that cost is set forth in the fee schedule adopted by the Thomas Township Board.
- C. Access To Meters: Any authorized Township employee or their designated agent shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the Township water system, and no person shall hinder, obstruct, or interfere with such employee or designated agent in the lawful discharge of his/her duties in relation thereto. The DPW Director shall have the right to shut off the supply of water to any premises where authorized employees or designated agents are not able to obtain access to the meter.
- D. Responsibility For Meter: The owner of the premises upon which a meter is installed is hereby made responsible for same. The customer shall be responsible for all damage to the meter, meter seal or remote encoding and transmitting device and for any and all expenses of the Township caused by any negligence of any person other than an employee of the Township, including damage by hot water, frost, or other causes. If by any manner the meter is damaged or stolen, such incident must be reported to the DPW Director at once. It shall be the duty of the Township to make all meter repairs and charge same to the party made responsible for the meter.
- E. Meter Upgrades Required: Changes in metering equipment, technology, reading methods, and billing methods shall be determined by the Township Board. When upgrades or technology changes are ordered by the Board, it shall be a mandatory requirement for all water customers to complete the changes when directed.
- F. Meter Billing Surcharges: The Township Board may enact a surcharge for customers who do not comply with the upgraded water meters or technology requirements as directed by the Board. The surcharge shall be set by the Board with the schedule of fees. Surcharges imposed shall be billed with each regular water billing cycle.
- G. Meter Failure: If any meter shall fail to register properly, the Township shall estimate the consumption on the basis of the three (3) previous quarters' consumption and bill accordingly.
- H. Meter Testing: A consumer may require that his/her meter be tested upon prepayment of a service fee, as set by the Township Board of Trustees, to cover the cost of the test. If the meter is found defective, it shall be repaired, or a replacement meter installed and the service fee payment refunded.
- I. Accuracy Required: A meter shall be considered accurate if, when tested, it registers not to exceed five percent (5%) more or five percent (5%) less than the actual quantity of water passing through it. If a meter registers in excess of five percent (5%) more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five percent

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(5%) less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

- J. Adjustment To Bill If Inaccurate: If a meter has been tested at the request of a customer and is determined to register "fast", the Township shall credit the customer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said customer within the three (3) quarters prior to the test, and if a meter is determined to register "slow" the Township may collect from the customer a sum equal to the percent "slow" multiplied by the amount for all the bills incurred by the customer for the prior three (3) quarters. When the Township on its own initiative makes a test of a water meter, it shall be done without cost to the customer, other than to pay the amount due the Township for water used by the customer as above provided if the meter is found to be "slow".

### **8-2-3: FIRE HYDRANTS:**

No person shall open or use water from any public or private fire hydrant for any purpose except for extinguishing fires and other emergency conditions without securing permission from the department of public works DPW Director and paying or arranging to pay such charges as may be prescribed.

### **8-2-4: PRIVATE FIRE LINE:**

Private fire line connections may be allowed by the Thomas Township Board consisting of a direct connection from the Township water main to a private building. The connection must be designated solely for fire protection and connect into the customer's fire protection system. The quarterly charge for private fire line connections shall be equal to the quarterly ready to serve charge.

The Township Board reserves the right to meter any private fire line. The charge for metered fire lines shall be the same as unmetered.

### **8-2-5: ADDITIONAL REGULATIONS:**

The manager, in consultation with the DPW Director and/or the Township engineer, may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, tap-in/meter installation charges, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the Township Board of Trustees. The rules and regulations now in effect shall continue until changed in accordance with this Section.

### **8-2-6: INJURY TO OR OBSTRUCTION OF FACILITIES:**

No person, except an employee of the Township in the performance of his/her duties, shall break, damage, destroy, uncover, deface, obscure, obstruct or tamper with any structure, appurtenance or equipment which is a part of the Township water distribution system.

No person, firm or corporation shall place debris, landscaping, earth or other materials in a manner that will obstruct, obscure or prevent normal access to or operation of any hydrant, valve, metering facility, Fire Department water connection or any other water system appurtenances. The expenses incurred in the removal of any obstructive materials shall be a debt to the Township from the responsible person, firm or corporation, and shall be collected as any other debt to the Township.

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## 8-2-7: CROSS-CONNECTIONS:

- A. **Cross-Connections Prohibited; State Regulations Adopted:** It shall be unlawful for any person to make or maintain, or allow to be made or to be maintained, upon property owned by such person, a cross-connection between the public water supply system and a secondary water supply system. The Township adopts, by reference, the water supply cross-connection rules of the Michigan Department of Public Health, being R325.431 to R325.440 and its amendments, inclusive of the Michigan Administrative Code.
- B. **Entering a premise for inspection:** Any representative of the Township shall have the right to enter at any reasonable time any premise 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 Township's request the owner, lessees, or occupants of any premise so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such premise. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.
- C. **Backflow Devices Required Based on Hazard:** The DPW Director or the designated Water System Operator-In-Charge shall determine the degree of hazard each water service connection poses to the Township's water distribution system. Hazards shall be classified as none, low, medium or high. The DPW Director shall require backflow devices based on the degree of hazard. Devices shall be required to be installed on the water service for all low, medium or high hazards per current State of Michigan Safe Drinking Water Act 399 of 1976.
- D. **Periodic Inspections of Backflow Devices Required:** Devices must be inspected and tested by an approved tester per qualifications required by current State of Michigan Safe Drinking Water Act 399 of 1976. All services designated as high hazard shall be tested annually. Annual device testing and inspections shall be required to be completed by October 31 of each year, or as otherwise determined by the DPW Director or Water System Operator-In-Charge. Low and medium hazard services shall be inspected and tested at regular intervals as determined by the DPW Director or Water System Operator-in-Charge however testing and inspection shall occur at least once per five (5) year period.
- E. **Notice of Violation; Compliance Period of Time:** The DPW Director, upon determining that a violation of the provisions herein exists, shall notify the owner and/or the occupant of the premise so affected, in writing, of the nature of the violation. Said notice shall include a period of time for compliance which shall be commensurate with the degree of the hazard involved but in no case shall that period of time exceed nine (9) months. Violations which pose an extreme hazard will be disconnected immediately. The failure to correct the violation within the period of time prescribed, and each day thereafter, shall constitute a separate violation of this Ordinance.
- F. **Violation; Discontinued Service; Restoration:** The Township DPW Director is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any cross-connection in violation of this Ordinance 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(s) has been eliminated in compliance with the provisions of this Ordinance.
- G. **Compliance with other regulations:** No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the State regulatory authorities.

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### **8-2-8: COORDINATION WITH PLUMBING CODE/ORDINANCE:**

- A. Supplementary To Adopted Plumbing Code: This Ordinance does not supersede the Township's Plumbing Code but is supplementary to it.
- B. Potable Water: The potable water supply made available to properties shall be protected from possible contamination as specified by this Ordinance and by the Township's Plumbing Code. Any water outlet which could not be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner such as: "Water Unsafe for Drinking".

### **8-2-9: WATER EMERGENCIES:**

- A. Determination Of Water Emergency: Based on the water contract binding the City of Saginaw and Thomas Township, the City Manager of Saginaw may declare a water emergency during a critical water consumption period. If/when this happens, Thomas Township shall be regulated by the maximum daily allotment water schedule as approved by the Saginaw City Council.-
- B. Uses Prohibited During Water Emergency: When the Saginaw City Manager shall have declared that a water emergency exists as provided in subsection A above, the use and withdrawal of water by any person from the Thomas Township water distribution system for any of the following purposes is hereby prohibited:
  - 1. Watering Of Yards: The sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.
  - 2. Cleaning Outdoor Surfaces: The washing of sidewalks, driveways, filling station aprons, porches and other outdoor services.
  - 3. Swimming Pools: Swimming and wading pools not employing a filter and recirculating system.
  - 4. Escape Through Defective Plumbing: The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.
- C. Notice Of Water Emergency: When the Saginaw City Manager shall have declared that a water emergency exists as provided in subsection A above, notice thereof shall be given by releasing the same to the official newspaper of the City, social media outlets, and to all radio and television stations maintaining offices or studios within the City. Such notice shall advise of the time of commencement of such emergency and that the same will continue until notice of termination thereof is given by the Saginaw City Manager through the same media.
- D. Termination Of Water Emergency: When the City Manager of Saginaw shall determine that the conditions which caused the declaration of the emergency under subsection A above no longer exist, he/she shall so declare and give notice of such determination as provided in subsection C above.

### **8-2-10: LIABILITY OF THE TOWNSHIP; RIGHT TO LIMIT USE:**

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

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## **CHAPTER 3 SEWER SYSTEM**

### **SECTION:**

#### **8-3-1: CONNECTION TO PUBLIC SEWERS REQUIRED:**

- A. Connection to the sewer system Required: Premises within the Township on which are, now or hereafter, located any buildings or structures for which direct connection to the sewer system is available shall not be used or occupied by persons, firms or corporations for any purpose, unless said premises are connected to the sewage disposal system. Said premises within the Township so improved and used or occupied shall be connected to said sewer system no later than six (6) months after the date of the occurrence of the later of the following events:
1. Availability of the public sanitary sewer system in the area in which the structure is located.
  2. Modification of a structure so as to become a structure from which sewage originates.
- B. Notice To Connect: If a structure in which sanitary sewage originates has not been connected to the sanitary sewer collection system within the six (6) months' period provided by this Ordinance the Township Board shall require the connection to be made forthwith to the owner of record on the most recent tax roll of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this Ordinance.
- C. Failure To Connect: Where any structure from which sanitary sewage originates is not connected to the sanitary sewer collection system within ninety (90) days after the date of mailing of written notice the Township Board may bring an action in the name of the Township for a mandatory injunction or order in circuit court in the county in which the structure is situated to compel the owner to forthwith connect to the sanitary sewer collection system. The circuit court may award costs to the Township including actual costs incurred in compelling connection.

#### **8-3-2: WATER POLLUTION:**

It shall be unlawful to discharge into any natural outlet within the Township of Thomas any sanitary sewage, industrial waste, or other polluted water except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

#### **8-3-3: PRIVIES AND SEPTIC TANKS:**

Except as provided in Section 8-3-4 hereof it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for disposal of sewage.

#### **8-3-4: PRIVATE SEWAGE DISPOSAL:**

- A. Private Sewage Disposal Authorized: Where a public sanitary sewer is not available under the provisions of Section 8-3-1 hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the County Health Department and the provisions of any applicable building and plumbing ordinance of the Township.

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- B. Compliance With Other Regulations: No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by State or County regulatory authorities.
  - C. Availability Of Public Sewer: At such times as a public sewer becomes available to a property served by a sewage disposal system, 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.
  - D. Costs To Owner: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Township.
  - E. Use Of Sewer System Required: 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 Township or in any area within the jurisdiction of said Township any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial waste.

### **8-3-5: SEWER CONNECTION:**

- A. Installation Responsibility: The Township shall install and maintain at its expense that portion of the service from the main to the lot line or easement line and the customer shall install and maintain at their expense that portion of the service from said lot line or easement line to their premises.
- B. Permit Required: No connection shall be constructed for the purpose of disposing of wastes into the Township sanitary sewer system until an application for a permit for such connection has been made to the Township-by the owner or their agent. There shall be two (2) classes of building sewer permits: 1) for residential and commercial service, and 2) for service to establishments producing industrial waste. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the DPW Director.
- C. Permit Fee: All fees related to sanitary sewer connections must be paid by the applicant at the time application is submitted.
- D. Installation Costs: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner, or the person installing the building sewer for said owner, shall indemnify said Township from any loss or damage that may directly or indirectly be occasioned by said installation.
- E. Construction:
  - 1. Licensing Requirements: No person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenances thereof without first having obtained a license from the Township. Applications for licenses shall be submitted to the DPW Director and shall be accompanied by the required fee as set by Board resolution on forms prescribed by the Township. The DPW Director may refuse to grant or may revoke any license issued under this Ordinance if said person requesting or having been granted said license has violated the terms and conditions of said Ordinance. Said licenses shall be for a period of one year only, except that they may be renewed annually by the payment of an annual license renewal. 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 five thousand dollars (\$5,000.00) conditioned upon the requirement that said 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

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- 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 their part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years 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.
2. **Separate Building Sewers; Exceptions:** 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 through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only as recommended by the DPW Director and approved by the Board.
  3. **Materials Of Construction:** The building sewer shall be constructed of, SDR35 PVC pipe. ~~or~~ Alternate materials such as polyvinyl chloride (PVC) Schedule 40 pipe, SDR26 PVC pipe may be accepted by the Township DPW Director or Township Engineer in writing.
  4. **Joints:** All joints and connections shall be made gastight and watertight. Polyvinyl chloride Schedule 40 PVC pipe shall be fitted with coupling type joints with solvent as recommended by the manufacturer. For SDR35 PVC and SDR26 PVC pipe, elastomeric gaskets with push-on joints are required and no solvent welds are allowed. The joints and connections shall conform to the manufacturer's recommendations.
  5. **Size And Slope:** The size and slope of the building sewers shall be subject to the approval of the said DPW Director, but in no event shall the diameter be less than four inches (4"). The slope of such pipe shall not be less than one-eighth inch (1/8") per foot, except as otherwise approved by the DPW Director.
  6. **Depth Of Building Sewer; Excavations:** 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 ten feet (10') of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said DPW Director. Pipe laying and backfill shall be performed in accordance with current ASTM Specifications except that no backfill shall be placed until the work has been inspected and approved by the DPW Director or his/ her representative.
  7. **Artificial Lifts:** 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 artificial means approved by the DPW Director and discharged to the building sewer.
  8. **Restoration Of Excavations; Barricades and Lights:** 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 work shall be restored in a manner satisfactory to the said Township.
- F. **Sewer Service Connection:** The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the DPW Director.

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- G. Inspections: The applicant for the building sewer shall notify the Township Water and Sewer Billing Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the DPW Director. If the physical connection to the sanitary sewer main has not been inspected, the DPW Director retains authority to require the re-excavation of the connection site to inspect the actual sewer connection between the sewer lead and the sewer main. The Township shall not be responsible for the costs related to such re-excavation.
  - H. Repairs: The cost of all repairs, maintenance and replacements of existing building sewers and their connections to public sewers shall be borne by the property owner. Such owner shall make application to perform such work to the Township.

### **8-3-6: PROHIBITIONS FOR USE:**

- A. Storm And Surface Waters: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, foundation drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Yard drains, floor drains, patio drains, catch basins, downspout, weep tiles, perimeter drains or any other structures used for the collection and conveyance of storm water shall not be permitted to discharge whether directly or indirectly into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into such storm sewer or into a natural outlet in accordance with regulations of the Township and applicable County and State agencies.
  - 1. The sanitary sewer service connection shall be brought up one foot (1') above the basement floor and must be capped during construction.
  - 2. All basements shall be pumped out prior to removing the caps, from the floor drains and sanitary sewer service connections.
- B. Harmful Waters or Wastes: No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the POTW, or other interference with the proper operation of the POTW.
- C. Pretreatment Of Questionable Waters or Wastes: The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the DPW Director, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the DPW Director, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relative to proposed preliminary treatment facilities shall be submitted for the approval of the said DPW Director and of EGLE or the primary state regulatory agency responsible, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

### **8-3-7: INTERCEPTORS:**

Grease, oil and sand interceptors shall be provided when, in the opinion of the said DPW Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times. All interceptors shall be of a type and

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capacity approved by the DPW Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

- A. Where installed, all grease, oil and sand interceptors shall be provided and maintained by the owner, at their expense, in continuously efficient operation at all times.
- B. Chemicals and/or chemical additives shall not be added to grease, oil or sand interceptors to soften, disperse, liquify or otherwise treat contents of interceptors without the express written permission of the DPW Director.
- C. The DPW Director, inspector and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter upon all properties during normal business hours for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.
- D. Chemicals and/or chemical additives shall not be added to grease, oil or sand interceptors to soften, disperse, liquify or otherwise treat contents of interceptors without the express written permission of the SCTWWTP staff and DPW Director.
- E. If a user contributes excessive amounts of fats, oils or grease into the public sewer system which requires cleaning or physical removal, the costs associated with this cleaning may be charged to the contributor including any damages to the system or other users on the system as a result of sewer back-ups.

### **8-3-8: CONTROL MANHOLES:**

- A. When required by the DPW Director, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his/her expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole 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.
- B. When required by the DPW Director or Township Engineer, the owner of any premise served by a building sewer shall be required to install a screening or macerating device(s) at the owner's expense. Screening and macerating devices shall be kept in operational condition by owner. The operations, maintenance, repair or replacement of screening and macerating devices shall be at the expense of the owner.

### **8-3-9: PROTECTION FROM DAMAGE:**

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 POTW.

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### **8-3-10: LIABILITY OF THE TOWNSHIP; RIGHT TO LIMIT USE:**

All parties using the sanitary sewer system for any purpose whatsoever, will do so at their own risk and said Township, or employees thereof, shall not be liable for any damages occasioned by or related to the stoppage of said sewage services, nor for an insufficient capacity of same, nor for accidents or any damage of any kind caused by or related to the use or failure of such sewer system.

## **CHAPTER 4 INDUSTRIAL PRETREATMENT**

### **SECTION:**

#### **8-4-1: PURPOSE AND POLICY:**

- A. Uniform Requirements: This Ordinance sets forth uniform requirements for dischargers into the Thomas Township sanitary sewer system, which connects to the Saginaw Charter Township Wastewater Treatment Plant (SCTWWTP), and enables the Township to protect public health in conformity with all applicable local, State and Federal laws relating thereto.
- B. Objectives: The objectives of this Ordinance are:
  - 1. To prevent the introduction of pollutants into the Thomas Township sanitary sewer system which will interfere with the normal operation of the sewer system or contaminate the resulting municipal sludge.
  - 2. To prevent the introduction of pollutants into the Thomas Township sanitary sewer system which do not receive adequate treatment in the POTW or cause violation of NPDES Permit, and which will pass through the sewer system into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - 3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
- C. Scope: This Ordinance provides for the regulation of discharges into the Thomas Township sanitary sewer system through the enforcement of administrative regulations and Ordinance provisions. This Ordinance provides for the recovery of operations, maintenance or replacement costs of the POTW. The costs associated with the construction of collection and treatment systems used by industrial dischargers, in proportion to their use of the POTW, are the subject of separate enactments or agreements.

#### **8-4-2: GENERAL DISCHARGE PROHIBITIONS:**

- A. Prohibited Discharges: No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the POTW system or otherwise to the facilities of the Township:
  - 1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. Such material may include, but is not limited to, gasoline, kerosene, naphtha, toluene, benzene, fuel oil, xylene, ethers, alcohols, ketones, aldehydes,

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- peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides or any other substance which SCTWWTP, the Township, State or EPA has notified the user is a fire hazard or a hazard to the system.
2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
  3. Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
  4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in the Federal Categorical Pretreatment Standards.
  5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for its maintenance and repair.
  6. Any substance which may cause the POTW's effluent or treatment residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of Clean Water Act 33 USC 1251 et seq.; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA), 42 USC 6901 et seq., the Clean Air Act, 42 USC 7401 et seq., the Toxic Substances Control Act, 15 USC 2601 et seq., or State of Michigan standards which is legally applicable to the sludge management method being used.
  7. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
  8. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
  9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds forty degrees Celsius (40°C) or one hundred four degrees Fahrenheit (104°F).
  10. Any slug-load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
  11. Any unpolluted water including, but not limited to, noncontact cooling water.
  12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the Township in compliance with applicable State or Federal regulations.
  13. Any wastewater which causes a hazard to human life or creates a public nuisance.
  14. Incompatible pollutants in excess of the limits allowed by Township, State and/or Federal laws and regulations as determined and when amended, including, but not limited to, the National

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Categorical Pretreatment Standards, 40 CFR Part 403, or any other effluent guidelines developed by the Environmental Protection Agency.

15. Substances or pollutants which either alone or by interaction with other waters or wastes:
    - a. Exert or cause a high concentration of inert suspended solids, such as, but not limited to, lime slurries, diatomaceous earth and lime residues.
    - b. Exert or cause a high concentration of dissolved solids, such as, but not limited to, sodium chloride.
    - c. Cause or exert a COD (chemical oxygen demand) that would increase operational expense or cause treatment problems.
    - d. Cause a high chlorine demand, such as, but not limited to, nitrite, cyanide, thiocyanate, sulfite and thiosulfate.
    - e. Contain levels of PFAS.
  16. The sludge, precipitate or waste which results from any industrial or commercial treatment or pretreatment of wastewater or air discharges.
  17. Any river water or any water other than that obtained through the Township water supply lines, or any wastewater or industrial waste which originates outside the service area of the treatment plant unless permission for such introduction is obtained in advance from SCTWWTP staff and the DPW Director.
  18. Surface or subsurface water contamination prohibited. It shall be unlawful for any person to place, deposit or permit to be deposited, or to dispose of, any substance in liquid, solid or gaseous form, or any wastewater on any public or private property within the Township or in any area under the jurisdiction of or which is provided treatment service by SCTWWTP that will or may pollute or contaminate any surface or subsurface water, including, but not limited to, water in any watercourse, natural outlet, sewer system or aquifer.
  19. Domestic sewer users. Discharge from any residence within the Township or any area that is serviced by the POTW shall not be in violation of subsection (8-4-2 A) of this section.
  20. Users may install a check valve on their building sewer line with written approval from the DPW Director to prevent water from the public sewer to back flow into their building(s) at their own cost located outside of the public easement or public right-of-way.
  21. Septage and landfill leachate disposal. Septage, landfill leachate and other trucked pollutants shall not be allowed to be disposed of into the POTW
- B. Limitations On Wastewater Strength:
1. National Categorical Pretreatment Standards: National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Clean Water Act (33 U.S.C. 1251 et seq.), as amended shall be met by all dischargers of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Regional Administrator by the Township, when the Saginaw Charter Township Waste Water Treatment Plant achieves consistent removal of the pollutants as defined by 40 CFR Part 403.7.

2. State Requirements: State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.
3. Right Of Revision: The Township reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 8-4-1 hereof.
4. Dilution: No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.
5. Supplementary Limitations: No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following limits, as determined by the EPA; or by SCTWWTP and the Township's local limit calculations. For the following specified pollutants:

<b>Material</b>	<b>Concentration (mg/l)</b>
Arsenic	0.350 mg/l
Cadmium	0.030 mg/l
Chromium	2.390 mg/l
Copper	0.265 mg/l
Cyanide	0.760 mg/l
Fluoride	10.0 mg/l
Lead	0.820 mg/l
Mercury	Non-Detectable (USEPA Method 245.1-detection limit shall not exceed 0.2 ug/l)
Nickel	0.743 mg/l
Perfluorooctanesulfonic acid (PFOA)	295 ug/l
Perfluorooctanic acid (PFOS)	12 ng/l
Polychlorinated Biphenyl (PCB)	Non detectable (detection level shall not exceed 0.1 ug/l. Compliance monitoring shall be in accordance with USEPA method 608.)
Selenium	0.38 mg/l
Silver	0.280 mg/l
Total Toxic Organics (TTO)	2.13 mg/l
Zinc	1.240 mg/l
CBOD-5	200 mg/l
Total Suspended Solids	200 mg/l
Any incompatible pollutant	Not Allowed
Phosphorus	4.0 mg/l
Ammonia Nitrogen	10.0 mg/l
Total Dissolved Solids	Report Only
COD	300 mg/l
Fat, Oil, Grease (FOG)	100 mg/l

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6. Mass Limitations:
    - a. SCTWWTP and the Township may impose mass limitation on dischargers for pollutants later categorized by Local, State or Federal regulations at any time.
    7. *Incompatible pollutants.* Persons discharging incompatible pollutants, other than the constituents described in subsection (8-4-2 B.5) of this section, which are strictly prohibited from being discharged into the sewer system, shall comply with section 307 of the Act and related regulations in reducing any incompatible pollutant which interferes with, passes through or otherwise is incompatible with the treatment process. Any person discharging or proposing to discharge any toxic pollutant as defined by section 307(a)(1) of the Act, shall apply to SCTWWTP and the DPW Director for permission for such discharge.
  - C. Accidental Discharges: Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township and SCTWWTP for review and shall be approved by the Township and SCTWWTP before construction of the facility. Each existing discharger shall complete its plan and submit same to the Township and SCTWWTP. No discharger who discharges to the POTW shall be permitted to introduce pollutants into the sewer system until accidental discharge protection procedures have been approved by the Township and SCTWWTP. Review and approval of such plans and operating procedures by the Township and SCTWWTP shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.
    1. Dischargers shall notify SCTWWTP and the DPW Director immediately upon the occurrence of a "slug-load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any discharger who discharges a slug-load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed by SCTWWTP and the Township on account thereof under State or Federal law.
    2. Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.
  - D. Discharge limitations. Under federal and state regulations enacted or amended, SCTWWTP is required to report annually on all significant industrial sewer users and to meet certain effluent limitations. The admission into the public sewer system, either directly or indirectly, of any waste or water or other pollutants exceeding the limits listed as follows may be subject to review, approval or limitation by SCTWWTP in coordination with the DPW Director to meet the applicable state, federal and/or township regulations:
    1. A five-day BOD greater than 200 milligrams per liter.
    2. Suspended solids greater than 200 milligrams per liter.
    3. An average daily flow exceeding two percent of the total average daily flow of the sewer system.
    4. Any incompatible pollutant.

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5. A total phosphorous quantity greater than four milligrams per liter.
  6. Ammonia nitrogen in excess of 10.0 milligrams per liter.
  7. COD greater than 300 milligrams per liter.
- E. If determined necessary by SCTWWTP in coordination with the DPW Director, the user shall provide the necessary pretreatment or curtailment to stay within the limitations in the previous subsection (D). Nothing in this division shall prohibit SCTWWTP in coordination with the DPW Director from requiring lower constituent amounts if it is determined necessary for the protection or effective operation of the SCTWWTP. If the limitations in the previous subsection (D) are exceeded, the user may be required to pay additional costs if it is determined by SCTWWTP in coordination with the DPW Director that additional treatment expenses have been incurred.
- F. *Pretreatment.* Users shall make wastewater acceptable before discharging to the sewer system in accordance with the following requirements:
1. Under the standards established in this ordinance;
  2. Within the allowances of the discharge permit as required in this ordinance
  3. As required under 40 CFR Part 403;
  4. All pretreatment costs to the acceptable level shall be at the user's expense.
  5. Detailed plans showing the facilities and operating procedures and effluent characteristics shall be submitted to SCTWWTP and the DPW Director for review and approval before construction of the facility. The approval of such plans and procedures will in no way relieve such persons from the responsibility of modifying the facility, if necessary, to produce an acceptable effluent. Any changes in the approved facilities or method of operation shall be reviewed and approved by SCTWWTP and the DPW Director. Where required, users shall obtain approval from the applicable state or federal agency.
  6. The DPW Director in coordination with SCTWWTP may require that any private wastewater treatment facilities, process facilities, sewer systems, waste streams or any other potential waste problems be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as being qualified to supervise such facilities or systems.
- G. *Toxic pollutants and petroleum products control.*
- a. All storage of toxic *pollutants* in any area or building shall be contained in such a manner that none of the *pollutants* may spill or otherwise get into the public sewer system or contaminate surface or subsurface water in the event of an accident or failure and shall be in accordance with current state and federal laws and regulations and township ordinances.
  - b. All aboveground storage tanks with a toxic liquid solution or pollutant shall be surrounded by containing walls providing such containment and capacity that the liquid will not splash over the top of the wall in the event of a sudden tank rupture. The minimum containment storage shall be 150 percent of the largest tank in the containment area. A sump shall be provided in the containment area with a sloped floor to remove the toxic liquid or pollutant. The curbed storage area shall not be connected, directly or indirectly, to the public sewer system. Underground storage tanks shall not be connected, directly or indirectly, to the public sewer

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system. Underground storage tanks shall be controlled in a manner to prevent leakage and discharge into subsurface water and shall be in compliance with all state and federal laws and regulations.

### **8-4-3: CHARGES AND FEES:**

The Township shall adopt charges and fees which may include: fees for monitoring, inspections and surveillance procedures; fees for filing appeals; fees for reviewing accidental discharge procedures and construction.

### **8-4-4: WASTEWATER DISCHARGERS:**

It shall be unlawful to discharge sewage, industrial wastes or other wastes into the POTW without having first complied with the terms of this Ordinance.

### **8-4-5: WASTEWATER DISCHARGE DATA DISCLOSURE:**

- A. General Disclosure: All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this Ordinance within one hundred twenty (120) days after the effective date of this Ordinance.
- B. Saginaw Charter Township Non-Domestic Wastewater Discharge Permit Application (Permit Application). Industrial dischargers shall complete and file with the Township and SCTWWTP a disclosure declaration in the form prescribed by SCTWWTP, and accompanied by the appropriate fee. Existing industrial dischargers shall file Permit Applications within one hundred twenty (120) days after the effective date of this Ordinance, and proposed new dischargers shall file Permit Applications at least ninety (90) days prior to connecting to the POTW. Periodic compliance reports shall be submitted to the SCTWWTP as required in their Non-Domestic User Permit. The disclosure, known as a compliance report, to be made by the discharger shall be made on the Permit Applications and shall cover:
  - 1. Disclosure of name, address and location of the discharger.
  - 2. Disclosure of standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - 3. Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in this Ordinance, and others as set forth by State and Federal regulations as appropriate, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended.
  - 4. Disclosure of time and duration of discharges.
  - 5. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the DPW Director and SCTWWTP staff due to cost or non-feasibility.
  - 6. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

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7. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewer works of the Township.
  8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Ordinance.
  9. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
    - a. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Ordinance including, but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.
    - b. Under no circumstances shall the Township permit time increment for any single step directed toward compliance which exceeds ninety (90) days.
    - c. Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the DPW Director and SCTWWTP, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the DPW Director and SCTWWTP.
  10. Disclosure of each product produced by type, quantity, process or processes and rate of production.
  11. Disclosure of the type and quantity of raw materials utilized (average and maximum per day).
  12. Permit Application shall be signed by a principal executive officer of the discharger and a qualified engineer (licensed professional as determined by the Township).
  13. All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches (24") in diameter and an internal diameter of no less than forty-eight inches (48") containing flow measuring, recording and sampling equipment as required by the Township and SCTWWTP to assure compliance with this Ordinance. Additional requirements for sampling manholes for industrial applications shall be determined by the DPW Director and SCTWWTP and Township Engineer.
- C. Evaluation: The Township and SCTWWTP will evaluate the complete Permit Application and data furnished by the discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, SCTWWTP shall notify the discharger of SCTWWTP's acceptance thereof.

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D. Amendments: The Township reserves the right to amend this Ordinance and the terms and conditions hereof in order to assure compliance by the Township and SCTWWTP and the State of Michigan with applicable laws and regulations. All national categorical pretreatment standards adopted after the promulgation of this Ordinance shall be adopted by the Township as part of this Ordinance. Where a discharger, subject to a national categorical pretreatment standard, has not previously submitted a Permit Application as required, the discharger shall file a Permit Application with the Township and SCTWWTP within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement, shall submit to the Township and SCTWWTP within one hundred eighty (180) days after the promulgation of an applicable national categorical pretreatment standard, the additional information required by subsection B8 and B9 hereof. The discharger shall be informed of any proposed changes in the Ordinance at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

E. Monitoring Facilities: Each discharger shall provide and operate at the discharger's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Township. Each monitoring facility shall be situated on the discharger's premises. Except where such a location would be impractical or cause undue hardship on the discharger, the DPW Director may permit in writing the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

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

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within one hundred twenty (120) days of receipt of permit by discharger.

F. Inspection And Sampling: The Township and SCTWWTP may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Ordinance. The discharger shall allow the Township or its representatives and SCTWWTP, upon presentation of proper credentials of identification, to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling or records examination. The Township and SCTWWTP shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

G. Confidential Information: Information and data furnished to the Township and SCTWWTP with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Township and SCTWWTP that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not

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be recognized as confidential information. Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a ten (10) day notification is given to the discharger.

#### 8-4-6: ENFORCEMENT AND DISCHARGE PERMITS:

- A. **Emergency Halting of Service:** The Township in coordination with SCTWWTP may, after verbal or written notice to the discharger, immediately halt and effectively prevent wastewater collection service to a discharger when it appears to SCTWWTP and the Township that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or property.

The Township in coordination with SCTWWTP may, for good cause shown, terminate wastewater collection service to a discharger when it appears to the Township and SCTWWTP that an actual or threatened discharge presents or threatens an imminent or substantial danger to the environment, interferes with the operation of the POTW or violates any pretreatment limits imposed by this Ordinance. Any discharger notified of the termination of the Township's wastewater collection service shall, within a reasonable period of time, as determined by the Township, cease all discharges. In the event of failure of the discharger to comply voluntarily with the termination order within the specified time, the Township in coordination with SCTWWTP shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Township in coordination with SCTWWTP shall reinstate the wastewater collection service and may adjourn or stay judicial proceedings pending proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

- B. **Revocation Of Collection:** SCTWWTP in coordination with the Township may seek to terminate the wastewater collection to any discharger which:
1. Fails to factually report the wastewater constituents and characteristics of its discharge;
  2. Fails to report significant changes in wastewater constituents or characteristics;
  3. Refuses reasonable access to the discharger's premises by representatives of the Township or SCTWWTP for the purpose of inspection or monitoring; or
  4. Violates the conditions of this Ordinance or any final judicial order entered with respect thereto.
- C. **Notification Of Violation; Administrative Adjustment:** Whenever SCTWWTP in coordination with the Township finds that any discharger has engaged in conduct which justifies termination of wastewater collection services, pursuant to subsection B1 through B4 hereof, SCTWWTP in coordination with the Township shall serve or cause to be served upon such discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the discharger shall respond personally or in writing to SCTWWTP and the DPW Director, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.
- D. **Show Cause Hearing:** Where the violation of subsection B1 through B4 hereof is not corrected by timely compliance by means of administration adjustment, SCTWWTP in coordination with the Township may order any discharger which causes or allows conduct prohibited by subsection B1 through B4 hereof to show cause before SCTWWTP and the Township or its duly authorized

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representatives, why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by SCTWWTP in coordination with the Township or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the discharger to show cause before SCTWWTP and the Township or its designee why the proposed enforcement action should not be taken. The notice of hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by SCTWWTP in coordination with the Township which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeal of such orders may be taken by the discharger in accordance with applicable local or State law within twenty (20) days of receipt of an order.

- E. Judicial Proceedings: Following the entry of any order by SCTWWTP in coordination with the Township with respect to the conduct of a discharger guilty of the provisions of subsection B1 through B4 hereof, the Attorney for the Township or SCTWWTP may, following the authorization of such action by SCTWWTP in coordination with the Township, commence an action for appropriate legal and/or equitable relief.
- F. Enforcement Actions; Annual Publication: A list of all significant dischargers which were the subject of enforcement proceedings pursuant to this Section during the twelve (12) previous months, shall be annually published by the Township summarizing the enforcement actions taken against the dischargers during the same twelve (12) months whose violations remained uncorrected forty-five (45) or more days after notification of noncompliance; or which have exhibited a pattern of noncompliance over that twelve (12) month period, or which involve failure to accurately report noncompliance.
- G. Right Of Appeal: Any discharger or any interested party shall have the right to request, in writing, an interpretation or ruling by SCTWWTP in coordination with the Township on any matter covered by this Ordinance and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or noncompliance with this Ordinance for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with local and State law within twenty (20) days of an order.
- H. Operating Upsets: Any dischargers which experience an upset in operations which places the discharger in an unintentional and temporary state of noncompliance with this Ordinance shall inform SCTWWTP and the DPW Director thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with SCTWWTP and the DPW Director within five (5) days. The report shall specify:
  - 1. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.
  - 2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
  - 3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

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A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the Township against a discharger for any noncompliance with the Ordinance which arises out of violations alleged to have occurred during the period of the upset.

**8-4-7: RECORDS RETENTION:**

All dischargers subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment, or any other enforcement or litigation activities brought by the Township pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

**8-4-8: MISCELLANEOUS:**

- A. Removal Credits: Where applicable, the Township may elect to initiate a program of removal credits as part of this Ordinance to reflect the POTW's ability to remove pollutants in accordance with 40 CFR Part 403.7.
- B. Net/Gross Calculations: The Township may elect to adjust categorical pretreatment standards to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR Part 403.15.

## **CHAPTER 5 WATER AND SEWER RATES, FEES AND CHARGES**

### **SECTION:**

#### **8-5-1: CAPACITY CHARGES:**

- A. Water Capacity Charges: The owners of each premises shall pay, at the time of application to the Township for service connection or a revision in service size, a one-time capacity charge based on meter size in an amount set and charged by Board resolution.
1. Customers requesting larger water meters shall be charged the rate difference between their existing meter and new meter to cover the proportional share of the increased water capacity.
  2. No refunds will be allowed for a smaller meter or discontinued service.
  3. Customers with regular meter(s) and sprinkler meter(s) shall be charged capacity charges for only the regular meter(s).
- B. Sewer Capacity Charges: The owners of each premises within the Township on which there is located, now or hereafter, a residence, a business, commercial or industrial building, or any building or structure for which direct connection to the sewer system is available, shall pay, at the time of application to the Township for such connection, or at the time of the expansion or change of existing use, a capacity charge as established by Board resolution. This capacity charge shall be determined by multiplying the Sewer Capacity Charge for one (1) one inch (1") connection (basic residential unit) shown in schedule F of the Township Fee Schedule by the Residential Equivalent Unit (REU) factor as applicable to the particular uses as established in Appendix A of section 8-5-10. Where two (2) or more categories of business are served by one connection, the total charge shall be the sum of all such categories. The DPW Director shall determine the appropriate categories for all connections. The minimum residential equivalent factor shall be 1.0 REU per connection. Special situations or categories not specifically covered in this schedule shall be determined by the DPW Director subject to the approval of the Township Board of Trustees. Said amount must be paid, at the time of application for connection to the system.

#### **8-5-2: CONNECTION FEES:**

- A. Water Connection Fee:
1. Connection Fees Established: The owners of each premises shall pay, at the time of application to the Township for service connection or a revision in service size, a connection fee based on the size of the water service connection.
    - a. Up to One inch (1") connection fee shall be a fixed fee as set by Board resolution.
    - b. Services greater than one inch (1") in diameter shall be charged a connection charge equal to the actual costs for labor and materials as determined by the DPW Director to install the connection.
  2. Adverse Conditions: If the DPW Director shall determine that adverse conditions exist at the location of the connection, such as frozen ground, unstable soil or high water, the connection charge shall be increased to compensate the Township for such additional cost. Such amount

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shall be estimated by the DPW Director, be approved by the Manager, and shall be paid prior to the issuance of a permit for the water service.

- B. Sanitary Sewer Connection Fee: Owners of premises within the Township upon which there is constructed, now or hereafter, a building or structure used or to be used or occupied by any firm, person, or corporation, and where sanitary sewer lines abut said premises but where no connections have been installed to the property line, shall pay a connection fee at the time of application to the Township to connect said premises to the system. The connection fee shall also include the costs to extend the current “Y” or “tee” sewer connection to the right-of-way line of the premises. Connection fees shall be set and charged by resolution.

### 8-5-3: RATES:

Except as herein otherwise provided, water to be furnished by the water system to each premises served by said water system shall be measured by a meter installed and controlled by the Township. Charges for water and sanitary sewer service to each premises within the Township shall be made quarterly (3 months) as prescribed in this Ordinance. Alternately, industrial users of greater than 100,000 gallons of water per day shall be billed monthly. Charges for each premises shall be billed on the first bill to the premises for water services following connection to the system. Rates are set and charged by Board resolution.

- A. Ready To Serve Charge: Ready to serve charges for all customers of the water and sewer system shall be set and charged by resolution.

1. The ready to serve charge for all single unit users shall be based on meter size except as cited in subsection A2 hereof.
2. Ready to serve charges for customers with a master meter that serves multiple units shall have their ready to serve charges calculated in the following manner:

Multiply the number of residential units served by the master meter by the REU factor from the chart in this Section. Multiply this number by the ready to serve charge established by the Board for five-eighths inch (5/8") meters. Add this figure to the fee established by the Board for the master meter size servicing the multiple units.

*Example (using 2023 values): A 6-unit apartment building with a 2" master meter.*

*6 units x .75 per unit = 4.5 REU Factor*

*4.5 REU Factor x \$36.63 (ready to serve charge for 5/8" meter) = \$164.84 subtotal*

*\$164.84 subtotal + \$227.12 (2" master meter charge) = \$391.96 Ready to serve charge*

<b>Occupation Use</b>	<b>REU Factor</b>
Duplex	0.75 per unit
Apartment	0.75 per unit
Mobile home (within mobile home park)	0.75 per pad
Mobile home (not within mobile home park)	1.0 per pad
Multiple commercial use	1.0 per unit minimum as determined by the DPW Director or Manager

3. Fire lines shall pay the same quarterly ready to serve charge as metered services where line size is equal to meter size.
  4. Community buildings, office and laundry buildings in multi-family residential developments must be metered separately.
  5. Upon appropriate notification to the Township, ready to serve charges may be prorated when there is a change of occupancy.
  6. At the discretion of the Township Manager, for customers contracted to use greater than 100,000 gallons per day of water and/or sanitary sewer, alternate methods of determining Ready to Serve Charges may be negotiated with the customer and approved by Board of Trustees resolution.
- B. Water Consumption Charge: A water consumption charge based on the actual (or estimated if metered flow is not available) amount of water metered shall be charged on a quarterly basis in addition to the ready to serve charge or at the time of use for water supplied from a hydrant or other source. The consumption charge is per one thousand (1,000) gallons of water used and is set and charged by Board resolution.
- C. Sanitary Sewer Service Charge: A sewer service charge based on actual metered water use or estimated if meter flow reading is not available shall be charged to each customer on a quarterly basis. The service charge is established by Board resolution.
1. Residential users with no water meters shall have a sewer service charge based on eighteen thousand (18,000) gallons of potable water consumption per quarter. Charges in the event of meter failure shall be in accordance with subsection 8-2-2G of this Ordinance.
  2. Where a significant portion of the customer's water does not and cannot enter the collection system directly or indirectly, and where the quantity of water entering the premises is estimated at more than five thousand (5,000) gallons per month, the person having charge of the property may request permission from the Township to install, at his/her own expense, an approved sewage measuring device or devices to determine the volume of sewage that actually enters the collection system. The rates and charges will apply only to that portion of waste or actual sewage entering the collection system.
  3. Each industrial or nonindustrial user who discharges wastes into the collection system 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 collection system has a loading greater than normal domestic strength wastes or is in excess of the normal load contributed by the user. The magnitude of such extra-strength wastes shall be determined in accordance with sampling and testing procedures established in subsection 8-4-5F of this Ordinance "Inspection and

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Sampling”. The surcharge for discharges above normal domestic strengths shall be as established by Board resolution. Any user discharging at or below normal domestic strength will be charged at the regular charge.

4. The Township, at its expense, may install sewage measuring devices or devices to determine the volume of sewage that is actually discharging from any premises which is a non-Township water user.
- D. Public Hearing Required: At least thirty (30) days prior to changing water consumption rates, sanitary sewer service rates, water ready to serve charges, or sanitary sewer ready to serve charges, the Board shall publish the proposed rates in a newspaper of local circulation and shall designate a time and place for a public hearing to hear any objections to the proposed rates. Following the public comment, the Board shall revise, correct or amend the proposed rates which shall then be adopted at a regular meeting.

#### **8-5-4: EXTENSIONS OF WATER AND SANITARY SEWER SYSTEM:**

- A. Extensions Inside the Township: All extensions within the Township shall be constructed by the Township. Any person or persons desiring an extension in the Township shall file a request with the Township.
1. Extensions along existing roads as requested by owner(s) shall be financed by special assessment in accordance with State law.
  2. Special developments (e.g., new plats) requiring an extension of the existing utility distribution system, exclusive of abutting property owners, shall be paid for by the developer(s).
  3. A Board resolution shall be required before the Township can assume ownership of extensions of a developer(s) water distribution and/or sanitary sewage system.
  4. Properties connecting to extensions initiated by the Township Board shall pay construction fees for said mains as set and charged by Board resolution.
- B. Extensions Outside of The Township: Any person or persons applying for a utility service outside the Township limits shall:
1. File application with the Board providing data as requested by the DPW Director and Board.
  2. Enter into a contract with the Township.
  3. Pay for the entire cost of the extension of such service and all fees normally charged to residents.
    - a. Charges for utility services to premises located outside the Township shall be fixed by resolution of the Board adopted and amended from time to time, but shall not be less than charges to premises within the Township and served by the Township utility systems.
    - b. Any books, records, or computations of any applicant, whether they be individuals, firm, partnership, association, or corporation, insofar as they pertain to water furnished by the Township, shall be open to inspection by the Township, or such officer or employee of the Township as the Township Manager may designate.

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### **8-5-5: MISCELLANEOUS FEES:**

- A. Meter Relocation Fee: The Township Board will establish, by resolution, the fee which represents the actual costs associated with the relocation of a water meter and the owner will be charged the current meter relocation fee.
- B. Meter Replacement Fee: The Township Board will establish, by resolution, the fee which represents the actual cost of a water meter replacement and the owner will be charged the current meter replacement fee, unless the meter is replaced because the meter is defective in some aspect of its operation and/or the meter is scheduled for replacement as part of a routine replacement program.
- C. Meter Testing Fee: The Township Board will establish, by resolution, the fee which represents the actual cost of testing a water meter. When testing is required as determined by the Township or requested by the owner, the owner will be charged the current meter testing fee.
- D. Cross-Connection Testing Fees: The testing for Township owned back flow prevention devices shall be accomplished by the authorized personnel of the DPW; a fee for such tests shall be charged to the owner and/or occupant based upon the average time and material costs as determined from time to time by Board resolution.
- E. Turn On and Turn Off Fees: Each and every time the department turns on or turns off water service to a premises, irrespective of the reason, a fee will be charged to cover the labor, equipment and/or materials involved. Such fees will be established from time to time by Township Board resolution.-
- F. Special Metering Services:
  - 1. Special metering services shall be regarded as a customer courtesy and done only as time and manpower permit.
    - a. All such services shall be by appointment only subject to Township cancellation when required services take priority.
    - b. All such service shall be performed by Township personnel only.
    - c. All water provided in this manner shall be metered with backflow prevention.
  - 2. Fees for special metering services shall be established by Board resolution.

### **8-5-6: PAYMENT OF FEES:**

- A. New Building Construction: Payments shall be made for all sewer and water fees for new buildings constructed in areas where public sewers and municipal water, as defined in this Ordinance, are available or construction of same has been approved by the Board. Payment over a period of time is strictly prohibited.
- B. Additions To Existing Structures: The above regulation is also applicable to building permits for additions to existing structures other than single-family residences and/or for changes in use. Payment for sewer and water fees shall be made for that portion of the structure to be added. Sewer and/or water permits for the entire structure must be obtained and fees paid prior to issuance of building permits for such additions or occupancy permits for changes in use.
- C. Connection Without Permit: In the event that a connection is made to the Township water or sewer system without a permit having been obtained from the Township for such connection, a charge of double the current fees will be charged to the owners of the property so connected. Services to the property will be discontinued until all such fees are paid.

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### **8-5-7: RENTAL/LEASED PROPERTIES:**

The owner of property which is rented/leased to someone else, is responsible for payment for water services unless the rental agreement/lease specifically defers responsibility for such services to the tenant. The property owner/lessor, is required to file a copy of such rental agreement/lease and an affidavit as required by MCL 123.165 before the responsibility for water/sewer services can be deferred to the tenant. The property owner/lessor shall notify the Township Utility Billing Department in writing 20 days prior to change or termination of lease.

Tenants who rent/lease a premises where the rental agreement/lease provides that the responsibility for payment of water services is deferred to the tenant, are required to pay a deposit equal to two (2) times the basic quarterly billing for the premises, prior to having the water service turned on.

No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he/she shall discontinue receiving water and sewage disposal service. No such deposit may be used for payments while tenant is occupying premises.

### **8-5-8: BILLING AND COLLECTION:**

- A. Free Service Prohibited: No free service shall be furnished by the sewer system to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality.
- B. Bills For Service; Delinquencies: Bills and notices relative to the conduct of the business of the Township will be mailed to the customer stated at the address listed on the application, unless a change of address has been filed in writing at the business office of the Township. 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 said notice.
  - 1. Payment Of Bills: Bills for water and sewer service are due and payable at the business office of the Township or to any designated agent of said Township on the date of their issue. The past due date shall be the twenty-fifth day of the month after the period of service.
  - 2. Late Charge: The late charge for water and sewer services fees not paid by the twenty-fifth day of the month after the period of service is five percent (5%) of the water and sewer fees.
  - 3. Delinquencies; Discontinuance of Service: All bills not paid on or before the due date shall be termed delinquent, and the Township of Thomas shall serve on the customer a written notice of said delinquency. If a delinquent bill is not paid within thirty (30) days after the due date thereof, water and sewer service to the user will be discontinued.
  - 4. Reconnection Of Service: Reconnection will not be made until all delinquent bills and other charges, if any, owed by the customer to the Township have been paid plus a turn off and turn on charge as established by Board resolution.
  - 5. Failure Of Township Owned Equipment: If a quarterly utility bill is more than twice the average quarterly billing for the previous three (3) quarters due to the failure of Township-owned equipment, either the meter or the remote recording device, at the discretion of the finance coordinator the property owner may be allowed to divide that billing into equal payments for up to three (3) additional months with the total amount billed due no later than ninety (90) days after the original due date. Penalties for late payment shall not be charged for

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payments made according to the agreed upon plan. Penalties shall be charged if scheduled payments are not paid by their due dates.

- C. Lien for unpaid Charges: Charges for sewage disposal services or water services furnished by the water or sewer systems to any premises shall be a lien thereon as of the due date thereof, and, on September 1 of each year, the Township treasurer shall certify any such charges which have been delinquent ninety (90) days or more, plus penalties and interest due thereon, to the assessor, who shall cause the same to be entered upon the next Township tax roll against the premises to which services have been rendered and said unpaid charges, with penalty and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

**8-5-9: BILLING APPEAL PROCESS:**

The amount or validity of a utility bill may be appealed in writing within fifteen (15) business days of the billing date by presentation of the appeal to the Finance Department. The Finance Department shall render a decision in writing within three (3) business days of the receipt of the appeal. The decision of the Finance Department may be appealed to the Township Manager within five (5) business days of the receipt of the decision. The Manager shall enter a decision in writing within ten (10) business days of the receipt of the appeal. The decision of the Manager can be appealed in writing to the township Board within five (5) days of the receipt of the decision. The Township Board shall render a decision at the next regularly scheduled Board meeting after the receipt of the appeal. The appellant shall be notified at least eighteen (18) hours in advance of the date and time of the Board's hearing on the appeal.

All appeals shall be hand delivered, faxed, or e-mailed to the Thomas Township offices. All responses to appeals shall be hand delivered to the service address. A copy of the response shall also be faxed or e-mailed to the appellant. The appeals process shall not suspend payment deadlines or penalties.

**8-5-10: APPENDIX A, SCHEDULE FOR DETERMINING SEWER CAPACITY CHARGE FOR NUMBER OF UNITS (ref 8-5-1 B):**

Usage	Unit Factor
Assisted Living/Senior Care Centers/Rehab Centers	0.31 per room
Athletic Clubs	0.55 per 1,000 sq ft.
Auto Dealers and Body shops, Garages	0.20 per 1,000 sq ft floor space
Barbershops	1 REU plus 0.1 per chair #2 and up
Banks	0.12 per employee
Bars (with or without food, but primarily for liquor)	0.4 per seat
Beauty shops/Spa/Nail Salon	0.38 per booth, 0.3 per mani/pedi station, 0.3 per spa room
Bed & Breakfast Establishments	1 REU plus 0.2 per bedroom
Boarding Houses	1 REU plus 0.2 per bedroom
Boarding Schools	0.27 per bed
Bowling alleys (no bar, lunch facilities)	0.16 per alley
Brewery or Distillery	1.0 per barrel
Car Washes	2.0 per single pro line
Child Care Centers	1 REU or 0.45 per 1,000 sq ft, whichever is greater.
Churches	0.13 per seat
Cleaners (pick-up only)	0.12 per employee
Commercial establishments (other than specifically listed)	0.12 per employee
Condominiums	1 per unit
Convalescent homes	1 REU plus .5 per bedroom
Convents	1 REU plus 0.25 per bedroom
Country Clubs	0.55 per 1,000 sq ft.
Dental Offices	1.3 per Dentist
Doctors Offices	0.6 per 1,000 sq ft.
Drug Store/Pharmacies	0.1 per 1,000 sq ft.
Dry Cleaners (with pressing)	1.4 per press
Factories (exclusive of industrial waste)	0.5 per 1,000 sq. ft. floor space
Fraternal Organizations (members only)	1.0 per hall
Fraternal Organizations (members and hall rental)	0.3 per 1,000 sq ft
Funeral Homes	1.5 per 1,000 sq ft
Government Buildings	0.15 per 1,000 sq ft
Hospitals	1.09 per bed
Hotels	0.38 per room
Laundries (self service)	0.54 per washer
Motels (individual bath units)	0.25 per unit
Office buildings	0.15 per 1,000 sq ft
Orphanages or children's homes	0.20 per resident

<b>Usage</b>	<b>Unit Factor</b>
Pet Shops/Pet Groomers	1.10 per 1,000 sq ft
Physical/Occupational Therapy Center	1.5 per premise
Printer	0.06 per 1,000 sq ft.
Public institutions other than hospitals	0.75 per 1,000 sq ft
Restaurant (onsite dining services)	2.4 per 1,000 sq ft
Restaurant (w/ liquor License)	4.0 per 1,000 sq ft
Restaurant (fast food or take out)	1.0 per 1,000 sq ft
Rooming houses (no meals)	0.25 per room
Schools (showers, pool and cafeteria)	0.8 per classroom
Schools (without showers or pool)	0.37 per classroom
Service stations	0.5 per pump
Stores, supermarkets and shopping centers	.5 per 1,000 sq ft floor space
Tanning Salon	1.1 per premises
Tattoo Parlor	1.1 per premises
Theaters	0.01 per seat
Mobile Homes (central bath)	0.35 per unit
Mobile Homes (individual bath)	0.50 per unit
Urgent Care Facilities	0.25 per doctor
Veterinary Facilities	1 per Veterinarian
Veterinary Facilities with kennels	1.5 per facility plus 0.1 per kennel
Warehouses	0.10 per 1,000 sq ft floor space

The minimum REU assignment shall be 1.0 REU

Note: REU's based on Oakland County Water Resources engineering study (2018)

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**Repeal and Savings Provision**

Section 2. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; provided, however, any administrative or judicial proceeding commenced under any provision hereby repealed shall continue to a final decision as if such provision had not been repealed.

**Publication and Effective Date.**

Section 3. That this ordinance shall become effective thirty (30) days after publication of a true copy of the ordinance or a summary thereof.

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Robert Weise, Supervisor

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Michael Thayer, Clerk