

**WHEATLAND TOWNSHIP SEWER ORDINANCE
2021-03**

AN ORDINANCE regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof, in the Township of Wheatland, County of Mecosta, Michigan.

BE IT ORDAINED and enacted by the Township Board of Wheatland Township, Mecosta County, Michigan, as follows:

ARTICLE I. Definitions:

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

Section 1: “B.O.D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

Section 2: “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Section 3: “Building Sewer” shall mean the extension from the building drain to the public sewer, property line, sewer easement line, or other place of disposal.

Section 4: “Connection Fee” shall mean the charge imposed by the Township to regulate the connection of a Building Sewer, either directly or indirectly, to the Public Sewer System. This fee represents (a) the proportional cost attributable to each Structure in which Sanitary Sewage Originates to regulate access to the Public Sewer System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Public Sewer System or adversely affecting the ability of the Township to provide service to the Public Sewer System’s existing and future customers; and (b) the benefit to the owner of a Structure in which Sanitary Sewage Originates derived from the connection to the Public Sewer System including, but not limited to, eliminating or reducing the risk of failure of Private Sewage Disposal Facility and the contamination of ground water. See also Direct Connection and Indirect Connection.

Section 5: “Classes of Users” shall mean the description of sanitary sewer customers into classes by similar process or discharge flow characteristics, as follows:

Residential User - shall mean an individual home or dwelling unit including mobile homes, apartments, condominiums or multi-family dwellings that discharge only segregated domestic wastes or wastes from sanitary conveniences.

Commercial User - shall mean any retail, warehouse, food service, educational, church, community, governmental, medical, or wholesale business or building that discharges only segregated domestic wastes or wastes from sanitary conveniences.

Industrial User shall mean any manufacturing or medical establishment which produces a liquid, solid, semisolids or gaseous waste or form of energy, or a combination thereof, resulting from any processes of industry, manufacturing, business, medical waste, trade or research, including the development, recovery or processing of natural resources, distinct from Domestic Sewage and Normal Strength Sewage.

Section 6: “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the EGLE discharge permit if the treatment works was designed to treat such pollutants, and in fact can remove such pollutants to the substantial degree. The term substantial degree generally means removals in the order of 80 percent or greater.

Section 7: “Combined Sewer” shall mean a sewer receiving both surface run-off and sewage.

Section 8: “Debt Service Charge” shall mean an amount charged to Users of the Public Sewer System to pay all or a portion of the principal, interest and administrative costs of retiring the debt incurred for acquisition, construction and improvement of the Public Sewer System.

Section 9: “Direct Connection” shall mean the connection of the Building Sewer directly to the Public Sewer System in a manner such that the Premises served by the Building Sewer utilizes the existing collection, transportation and treatment components of the Public Sewer System.

Section 10: “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 11: “Incompatible Pollutant” shall mean any pollutant that is not a compatible pollutant, as defined in Section 6 above.

Section 12: “Indirect Connection” shall mean the connection of a Building Sewer to a sewage collection system which is installed to applicable Township specifications and with Township approval that is:

- (a) paid for by special assessment or private funds;
- (b) serves multiple users; and
- (c) is connected to the Public Sewer System and, after construction, turned over to the Township and becomes part of the Public Sewer System.

For example, if a developer constructs collection sewers in a plat and connects the collection sewers to the Public Sewer System, the connection of each lot in the plat would be an Indirect Connection.

Section 13: “Industrial Cost Recovery” shall mean the recovery from each Industrial User, as defined, a portion of the U.S. Environmental Protection Agency grant which is allocated to the construction of facilities for the treatment of wastes from said industries.

Section 14: “Infiltration” shall mean any wastes entering the system from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include and is distinguished from inflow.

Section 15: “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow.

Section 16 “Inflow” shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas and storm drain cross connections.

Section 17: “Inspector” shall mean any person or persons authorized by the Township to inspect and approve the installation of building sewers and their connection to the public sewer system.

Section 18: “Interference” shall mean a discharge of Wastewater which alone or in conjunction with a discharge or discharges of wastewater from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and is a cause of a violation of the Township’s NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulation) Section 405 of the Clean Water Act; the SWDA, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Section 19: “Medical Waste” shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dental metal waste, and dialysis wastes.

Section 20: “Natural Outlet” shall mean any outlet into a water-course, pond, ditch, lake or other body or surface or groundwater

Section 21: “Normal Strength Sewage” shall mean a sanitary wastewater flow containing an average daily pollutant load not exceeding the limitations defined in Article VII, Section 3.B.4.

Section 22: “EGLE Discharge Permit” shall mean the permit issued by the Michigan Department of Great Lakes Energy and the Environment for the discharge of wastewaters into the groundwaters of the state.

Section 23: “Operation and Maintenance Costs” shall mean all costs, direct and indirect, (other than debt service) necessary to insure adequate wastewater treatment, collection, and transportation on a continuing basis, conforming with all related federal, state and local requirements, and assure optimal long term facility management (these O & M costs include depreciation and replacement costs).

Section 24: “Operator” shall mean the Wheatland Township wastewater treatment facility and system operator. The Township has authority contract out the services required for such operation to a user as part payment of a user’s fees as appropriate.

Section 25: “Penalty” shall mean a charge for discharge of non-compatible substances including pH in violation of the NPDES Permit.

Section 26: “Person” shall mean any individual, firm, company, association, society, corporation, or group.

Section 27: “pH” shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Section 28: “Premises” shall mean the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Township as a single taxable parcel of property, including all structures located thereon.

Section 29: “Pretreatment” shall mean the treatment of high strength wastewater flows in privately owned pretreatment facilities prior to discharge into the public sewer.

Section 30: “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in dimension.

Section 31: “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is jointly controlled by the Township. The Public Sewer shall include any and all Sewers and Sewage Works (exclusive of Building Drains) located within the public right of ways of the entire area depicted on the map attached hereto, as it may be amended, and any and all extensions and additions hereinafter made thereto; all of the said now or hereinafter existing Sewers and Sewage Works (exclusive of Building Drains) located within the public right of ways of the entire area depicted on the map attached being deemed accepted by the Township as part of the Public Sewer for Wheatland Township.

Section 32: “Replacement” shall mean necessary expenditures made during the service life of the Treatment Works to replace equipment and plant appurtenances required to maintain the intended performance of the Treatment Works.

Section 33: “Residential Equivalent Unit (REU)” shall mean the standard daily quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, and shall be established from time to time by the Township.

Section 34: “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 35: “Sewage” shall mean a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, (including polluted cooling water) together with such ground, surface, and storm waters as may be presented.

The three most common types of sewage are:

Sanitary sewage - shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage - shall mean a combination of liquid and water carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage - shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

Section 36: “Sewer Rates and Charges” shall mean the Connection Fee (for both Direct Connections and Indirect Connections), Inspection and Administration Fee, Operation and Maintenance Charge, Debt Service Charge, User Surcharge, Miscellaneous User Fee, Wastewater Discharge Permit Fee, the penalty imposed pursuant to any violations and all applicable interest and penalties thereon.

Section 37: “Sewage Treatment Facility” shall mean any arrangement of devices and structures used for treating sewage.

Section 38: “Sewage Works” shall mean all facilities for collecting, pumping, treating, transporting, and disposing of sewage. May also be referred to as the Publicly Owned Treatment Works (POTW).

Section 39: “Sewer” shall mean a pipe or conduit for carrying sewage.

Section 40: “Shall” is mandatory: “May is permissive.

Section 41: “Significant Industrial User” shall mean: (1) All Non-Residential Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, Subchapter N; (2) Any Non-Residential user that (a) discharges 25,000 gallons or more per day of process wastewater, or (b) contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or (c) has a reasonable potential, in the opinion of the Township, to adversely affect the Treatment Works (i.e., inhibition, Interference, pass through of pollutants, sludge contamination, or endangerment of Treatment Works workers.

Section 42: “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quality of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Section 43: “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 44: “Supervisor” shall mean the Township Supervisor of the Township of Wheatland, Mecosta County, Michigan.

Section 45: “Surcharge” shall mean a charge to cover the cost of treating Sewage which exceeds limits established by this Ordinance. A Surcharge is not acceptable as a sole remedy for violations of ordinance limits.

Section 46: “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids: and which are removable by laboratory filtering.

Section 47: “Township” shall mean the Township of Wheatland, as represented by the Township Board, which has jurisdiction over the use and operation of the Treatment Works.

Section 48: “Treatment Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage, as defined in Section 30 above. Or “POTW” – Publicly Operated Treatment Works.

Section 49: “User O & M Charge” shall mean the charge levied on all users of the Treatment Works for the cost of operation and maintenance, including replacement and depreciation, of such Treatment Works.

Section 50: “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 51: “Sewer District” shall mean all areas within the Wheatland Township sanitary sewer service boundary defined by attached map, as it may be amended by the Township.

Section 52: All other terms not specifically defined herein shall have their standard meaning. A defined term need not be capitalized in the body of this Ordinance to effectual the same meaning as defined. (Others to be added later as Township of Wheatland deems necessary).

ARTICLE II: Use of Public Sewers Required:

Section 1: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Township of Wheatland, Mecosta County, Michigan, or in any area under the jurisdiction of said Township, any sewage or industrial wastes.

Section 2: It shall be unlawful to discharge to any natural outlet within the Township of Wheatland, or in any area under the jurisdiction of said Township, any sanitary sewage industrial sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance, and the statutes and regulations of the State of Michigan.

Section 3: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the POTW service area.

Section 4: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, commercial, industrial or other purposes situated within the Township or any area under the jurisdiction of the Township, and abutting any street, alley, or right-of-way, in which, within two hundred (200) feet of the nearest point from the structure in which sewage originates, there is now located or may in the future be located a public sewer of the Township, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance when given official notice to do so, provided that such connection shall not be required to be made less than six (6) months after the sewer, so located is constructed and made available for connection thereto.

Section 5: The Township may reject sewer service if the constituents of the discharge are found to be incompatible with the treatment process or works. The Township may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem in the sewer system, to file the material listed below. Any user discharging industrial wastes to the sanitary sewer shall also provide the material listed below to the Township:

a. File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.

- b. Provide a plan map of the building, works, or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described, and the waste stream identified.
- c. Sample test, and file reports with the Supervisor, Operator, and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Supervisor and Operator.
- d. Place waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
- e. Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.
- f. Maintain records and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes.
- g. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification shall be given to the Supervisor and Operator subject to approval.

Section 6: The Township may make and adopt such further rules, orders, regulations, guidelines, and policies as it deems advisable and necessary to assure the efficient and proper use of sewers, installation and connection of building sewers, and discharge of wastes into the public sewer system, all in accordance with this Ordinance. Such rules, orders, regulations, guidelines, and policies shall be effective upon approval by the Township.

ARTICLE III: Private Sewage Disposal

Section 1: Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to the private sewage disposal system complying with all requirements imposed by the State of Michigan or its agencies.

Section 2: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township.

Section 3: At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 4: No statement contained in Article II shall be construed to interfere with any additional requirements that may be imposed by the State of Michigan or its agencies.

ARTICLE IV: Building Sewers and Connections:

Jurisdiction over the regulation of building sewers shall be vested in both the Township and the Mecosta County Building and Zoning Department. The Township's jurisdiction and ownership of the Sewage Works shall extend from the public sewer system to the property line or easement line of the property for the relevant building served. Responsibility for building drains and for building sewers up to the point at which such building sewers enter the public right of way shall be the responsibility of the owner(s) of the land on which such building drains or building sewers are located, subject to the requirements of this ordinance and of all other applicable requirements of local and state law. The Plumbing Board's jurisdiction shall extend from the property line into and including the relevant property and building. The Township and the Mecosta County Building Official shall be responsible for all project reviews, permits, and inspections consistent with their jurisdictional authority.

Section 1: No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Township. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall provide that the person or entity to perform such work has in place public liability insurance for the protection of the Township, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of \$500,000 for each person, \$1,000,000 per accident, and \$100,000 for property damages.

Section 2: A connection to the Public Sewer System shall be made only by an authorized contractor or plumber upon written authorization and a connection permit issued by the Township. Prior to said connection, the property owner or his agent shall submit a permit application to the Township. This permit application shall be on a form furnished by the Township and shall be accompanied by payment of the applicable Connection Fee, any civil penalty which has accrued, and the Inspection and Administration Fee, the plans and specifications of all plumbing construction within the Premises (when requested), and all other information required by the Township.

Section 3: 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.

Section 4: 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 by special permission granted by the Supervisor and Operator.

Section 5: Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this ordinance.

Section 6: The building sewer shall be constructed of either of the following types of pipe meeting the current A.S.T.M. Specifications;

PVC sewer service pipe and fittings:

1. Design standard: ASTM - D 3034.
2. Wall thickness: SDR-35.
3. Joints: Push on joint with elastomeric gasket meeting ASTM - D 3212.

Installation:

1. Place service leads from service wyes to property line or as indicated on the plans.
2. Provide minimum depth of cover of 6 feet within roadway.
3. Install a watertight plug in the end of each lead.
4. Install cleanouts at bends and maximum spacing of 100'.
5. Lay all pipe in a straight line between bends and structures.
6. Maintain pipe and joints in a clean condition.

Marker post:

1. Install a pressure treated 4" x 4" x 8' marker post at the end of each service lead.
2. Set bottom of marker post plumb and level with the service lead invert.
3. Cut the post to 24 inches above finished grade after the Engineer has recorded the elevation of the marker post top.
4. Paint the exposed marker post:
 - a. Color: brown.

Section 7: All joints and connections shall be gas tight and water tight and shall conform to the requirements of the current building and plumbing codes.

Section 8: The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four (4) inches. Minimum grade shall be as follows:

6-inch pipe - 1/8" per foot or 1" per 8 feet

4-inch pipe - 1/4" per foot or 2" per 8 feet

Section 9: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet 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 Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

Section 10: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted at building owner's expense by approved artificial means then discharged to the Public Sewer.

Section 11: The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for the 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 Inspector and approved by the Township.

Section 12: The applicant for the building sewer shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

Section 13: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, and parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township and the Mecosta County Road Commission.

Section 14: No connections will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, force mains and treatment facility, including capacity for B.O.D. and suspended solids in the sewage treatment facility.

Section 15: These technical standards are subject to change and may be modified by Sanitary Sewer Guidelines published by the Township or other recommendations from the Township engineer.

ARTICLE V: Use of the Public Sewers:

Section 1: No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section 3: Prohibited Discharge Standards

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference or causes the Sewage Treatment Facility to violate its NPDES Permit or the Receiving Water quality standards. These general prohibitions apply to all users of the POTW whether or not they

are subject to special pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.;

(2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;

(4) Conventional Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. Specific limitations for conventional pollutants include:

| | |
|-----------------------------|----------|
| BOD5 | 200 mg/l |
| Total Suspended Solids | 250 mg/l |
| Total Phosphorus | 7 mg/l |
| Ammonia | 45 mg/l |
| Fats, Oils and Grease (FOG) | 50 mg/l |

Discharges of conventional pollutants above these limits may be permitted by the Township with an associated surcharge for high strength sewage as required under the Township's Sewer Rate and Connection Ordinance.

(5) Wastewater having a temperature greater than 150°F , or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

- (8) Trucked or hauled pollutants, except at discharge points designated by the Township;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the discharge permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Township;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
- (17) The following pollutants shall have limitations set forth to comply with current State and Federal discharge standards to protect against pass through and interference.
- arsenic
 - benzene
 - beryllium
 - cadmium
 - chromium
 - copper
 - cyanide
 - lead
 - mercury

nickel
selenium
silver
total phenols
zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

Section 4: The Township reserves the right to contract with any Industrial User to allow said industry to use available excess capacity for discharging wastewaters that exceed the limits to “Normal Strength Sewage”. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the Supervisor or Operator may have a deleterious effect upon the Sewage Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Township of Wheatland may:

- a. Reject the wastes.
- b. Require pretreatment to the level defined as “Normal Strength Sewage”.
- c. Require pretreatment to an acceptable level for discharge to the public sewers.
- d. Require control over the quantities and rates of discharge.
- e. Require all industrial customers or industries with significant changes in strength or flow to submit prior information to the Township concerning the proposed flows.

If the Supervisor and Operator permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Supervisor and Operator and subject to the requirements of all applicable codes, ordinances and laws. Any such agreement shall include applicable surcharges.

Section 5: Grease, oil, and sand interceptors shall be provided when, in the judgment of the Supervisor and Operator they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwellings units. All interceptors shall be of a type and capacity approved by the Township of Wheatland, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 7: When required by the Township of Wheatland, the owner of any property serviced by a building sewer carrying industrial or high strength wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Supervisor and Operator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 8: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of the “Standard Methods for the Examination of Water and Sewage” and shall also conform with the current version of Title 40 of the Code of Federal Regulations (40 CFR), which establishes guidelines for testing procedures for analysis of pollutants. All measurements, tests, and analyses shall be determined at the control manhole and upon suitable samples taken at said 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 from the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will be determined whether a 24-hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken.

Section 9: Industrial cooling water containing such pollutants as insoluble oils or grease or other suspended solids shall be pretreated for removal of the pollutants and then discharged to the storm sewer.

Section 10: Agents of the Township, Michigan Department of Environment Great Lakes and Energy or U.S. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge.

ARTICLE VI: Protection From Damage:

Section 1: 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 Sewage Works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII: Powers and Authority of Inspectors:

Section 1: The Supervisor, Operator, Inspector, and other duly authorized employees of the Township bearing proper credentials and 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.

ARTICLE VIII. Sewer Rates and Charges

Section 1: All premises connected directly or indirectly to the sanitary sewers of the Township shall be charged and shall make periodic payments to the Township in amounts computed on the basis of the number of “residential equivalents” assigned to such premises in accordance with the “Residential Equivalence Table” set forth in Exhibit A hereunto attached, one residential equivalent representing the average quantity of sewage generated by/and emanating from a single-family residence. The Township Board may for sufficient reasons make exceptions to or change any of such residential equivalents or establish residential equivalents for types of premises not listed.

Section 2: The periodic charges per residential equivalent so payable by each premise shall be of an amount determined from time to time by resolution of the township and shall consist of a “User O & M Charge”, and a “Debt Service Charge” for operation of the Sewage Works. The township will impose a 2% annual increase per REU. The Township may also impose a ready- to-serve charge on premises that are not yet connected to the sewer system, but for which sewer taps have been purchased and reserved for future usage.

Section 3: The Township Board may enter into a contract with any user, association or developer whereby such entity shall agree to pay to the Township a “User O & M Charge” and “Debt Service Charge” as established in this ordinance and in amounts computed on the basis of the number of “residential equivalents” assigned to such association, sub divider or developer in accordance with the “Residential Equivalence Table” set forth in Exhibit A hereunto attached.

Section 4: The charges imposed by Section 2 and Section 3 shall be a lien on the premises served and delinquent charges may be collected in the same manner as taxes which are not paid when due. No contract shall be made with any association, sub divider or developer as provided in Section 3 unless the association, sub divider or developer has the legal authority and obligation to impose and collect charges or assessments for sewage disposal service furnished to its members.

Section 5: The Wheatland Township Board shall have the right to adjust the “User O & M Charge” and “Debt Service Charge” based on an audit review of the Sewage Works Operation and Maintenance costs.

Section 6: Each non-residential sewer customer that discharges to the Public Sewer process wastewater which does not exceed the limits of “normal strength sewage” shall be charged and shall make quarterly payments to the Township in amounts based on the number of “residential equivalents” assigned to such premises. The number of “residential equivalents” shall be determined by dividing the average daily discharge in gallons per day (computed using the month of the year with the highest discharge) by 240 gallons. When less than 240 gallons per day are discharged to the system one (1) equivalent will be assigned. Where fractional units above 1.00 are computed, the nearest whole number will be assigned.

Section 7: Any user that proposes to discharge wastewater to the Public Sewer which exceeds the limits of "normal strength sewage" will be required to either: a) provide satisfactory

pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage". Any applicable surcharge shall be calculated as follows:

1. The normal usage charge shall be multiplied by a surcharge factor.
2. The surcharge factor shall be determined as the sum of the following:
 - a. 20% of the normal usage charge
 - b. 30% of the normal usage charge, times the ratio of actual BOD5 to normal strength BOD5.
 - c. 30% of the normal usage charge, times the ratio of actual suspended solids to normal strength suspended solids.
 - d. 20% of the normal usage charge, times the ratio of any other pollutant to normal strength sewage as established by the POTW.

The formula for such a calculation is:

$$C_s = C \left(0.2 + 0.3 \frac{B}{200 \text{ mg/l}} + 0.3 \frac{S}{250 \text{ mg/l}} + 0.2 \frac{P}{P_n} \right)$$

C_s = Total cost of surcharged usage.

C = Normal usage charge.

B = Concentration of B.O.D. discharged by user (mg/l) - value not to be less than 200 mg/l

S = Concentration of suspended solids discharged by user (mg/l) - value not to be less than 250 mg/l

P = Concentration of any pollutant discharged by user (mg/l)

P_n = Concentration of any pollutant discharged to be acceptable as "normal strength sewage"

If the above surcharge formula does not adequately cover the costs incurred to treat the high strength waste, as determined by the Township, then the Township may enter into an agreement with the user to a modified basis for assessing surcharges for high strength waste.

Section 8: Surcharges may also be levied for single event discharges that violate the conditions of this ordinance. Said charges shall be reflective of the additional cost to treat or maintain the sewage works due to the high strength discharge.

Section 9: The owner of each Premises required by this Ordinance to connect to the Public Sewer System shall pay a Connection Fee. The fee for a Direct Connection Fee and an Indirect

Connection Fee shall be a rate per Residential Equivalent Unit established by resolution of the Township Board from time to time.

Section 10: In the event a change in use of a Premises is proposed which will increase the utilization by that Premises of the Public Sewer System, then the owner of the Premises shall submit a new application for a connection permit to the Township. In this circumstance, the Township shall assign additional Residential Equivalent Units to the Premises to reflect such increased utilization and an additional Connection Fee and Inspection and Administration Fee based on the additional assigned REU's shall be payable in accordance with the procedures set forth in this Ordinance for issuance of a Service Connection permit. No refunds shall be given for a change in use which decreases the Unit assignment to a Premises.

Section 11: The Connection Fee of \$500 will be due at the time the permit is issued.

Section 12: In addition to the Connection Fee, the owner of the Premises shall be liable for the costs and expenses of installing the Service Connection pursuant to Township specifications on file at the Township. The Township shall determine the type of Service Connection for each User on the basis of conformity to prior installations and the integrity of the Public Sewer System.

Section 13: A Permit, Inspection, and Administration Fee shall be determined from time to time by resolution of the Township Board, based upon the recommendation of the Township, and shall be based upon the estimated actual cost borne by the Township for its Inspectors and administrative duties.

ARTICLE IX: Payments and Collections

Section 1: Bills for sewage disposal service are due and payable at the business office of the Township, or to any designated agent, on the last day of the quarter per billing cycle thereafter, shall be deemed delinquent and shall be subject to a penalty of 10% thereof. Bills shall be dated and mailed quarterly and shall cover one quarter's (3 months) service.

Section 2: All bills and notices relating to the conduct of the business of the Township and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Township; and the Township shall not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 3: Applications for connection permits may be cancelled and/or sewer service disconnected by the Township for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

a. Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.

b. Nonpayment of bills.

c. Improper or imperfect service pipes and fixtures or failure to keep the same in suitable state of repair.

Section 4: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Township reserves the right to request a nominal sum be placed on deposit with the Township for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer of the Township have been paid.

Section 5: The Township shall make all reasonable efforts to eliminate interruptions of service, and when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

Section 6: The Sewer Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Sewer Rates and Charges shall be unpaid for six (6) months or more, they shall be considered delinquent. The Township Clerk shall certify all Sewer Rates and Charges delinquent as of September 30th and penalties and time price differential thereon, annually, on or before September 30th, of each year, to the tax-assessing officer of the Township, who shall enter the delinquent Sewer Rates and Charges, upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereof enforced in the same manner as ad valorem property taxes levied against such Premises, including addition of additional penalties and interest as allowed under the General Property Tax Act.

Section 7: No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

ARTICLE X. Penalties:

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

Section 2: Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than Five Dollars (\$5.00) and not more than Ninety-Nine Dollars (\$99.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3: Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss, or damage occasioned the Township by reason of such violation.

ARTICLE XI: Conditions of Service:

Section 1: At the time of original construction of the public sewer, the township shall install at its expense that portion of the service from the main to the lot or easement line of all occupied premises. The Township shall maintain at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer, shall install at their expense, that portion of the service from said lot or easement line to their premises. The customer shall maintain, at his expense, the building drain and building sewer.

Section 2: Those customers making connections subsequent to the time of original construction of the public sewer shall install at their expense that portion of the service from the main to the lot or easement line in addition to that portion of the service from said lot or easement line to their premises.

Section 3: Sewer main extensions or improvements in all districts will be born by the individuals requesting said extensions. Permit applications and approval of extensions shall be subject to additional terms, conditions, and technical standards as required by the Township or the Township's engineer.

Section 4: The Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption for the service caused by the breaking of machinery or stoppage of necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

Section 5: The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Township.

Section 6: These rules may be changed or amended.

ARTICLE XII: Validity:

Section 1: All prior ordinances or parts of ordinances are hereby repealed.

Section 2: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XIII: Ordinance in Force:

Section 1: This ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Michigan.

I, Mary Karcher, Clerk of Wheatland Township, Mecosta County, Michigan do hereby certify that the above Sewer Use Ordinance was adopted by the Board of Wheatland Township at a regular meeting held on the 20th Day of September 2021, and modified 9-20-21, and shall become effective 30 days after publication on the Wheatland Township Website.

Signed

Mary Karcher, Clerk
Wheatland Township
Mecosta County, Michigan