

Chapter 86

UTILITIES*

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***Charter reference(s)**--Utilities, franchises and permits, ch. X.

Cross reference(s)--Administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; community development, ch. 26; environment, ch. 34; solid waste, ch. 62; streets, sidewalks and other public places, ch. 70; subdivisions and land division, ch. 74.

State law reference(s)--Waterworks systems, sewers, and disposal plants, MCL 324.4301 et seq., MSA 13A.4301 et seq.; sewage disposal and water supply districts, MCL 324.4701 et seq., MSA 13A.4701 et seq.; sewerage systems, MCL 324.4101 et seq., MSA 13A.4101 et seq.; Safe Drinking Water Act, MCL 325.1001 et seq., MSA 14.427(1) et seq.; water supply and sewer authorities, MCL 124.281 et seq., MSA 5.2769(51) et seq.

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ARTICLE I. IN GENERAL

Sec. 86-1. Scope.

- (a) The water supply and sewage disposal system of the city shall include all wells, pumps, pumphouses, water mains and laterals, water and sewer pumping stations, water storage and treatment facilities, sewers, sewage treatment plant and all attendant facilities and equipment which are used or useful in the operation and maintenance of the water supply and sewage disposal system.
- (b) The city may, within its corporate limits and the scope of its lawful authority, extend the system under such terms and conditions as it may deem appropriate and proper.
(Code 1971, ' 2.14)

Sec. 86-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Revenues or net revenues means as defined in Public Act No. 94 of 1933, section 3 (MCL 141.101 et seq., MSA 5.2731 et seq.).

System means the complete water supply and sewage disposal system of the city, as described in section 86-1.
(Code 1971, ' 2.14)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 86-3. Supervision.

The operation, maintenance and management of the system shall be under the supervision and control of the director of public works, operating under rules, orders and regulations which the city manager, with council approval, may establish for the efficient management and operation of the system.
(Code 1971, ' 2.15)

Sec. 86-4. Water and sewer charges.

A combined water and sewer rate schedule shall be determined by the council; and the current schedule, along with other special authorized charges, shall be listed in appendix A. The established rates shall produce revenues sufficient to cover administrative and operating expenses of the system and maintain facilities in a state of good repair and working order sufficient to meet the required payments for interest and principal on any bonded indebtedness that is a liability of the system.
(Code 1971, ' 2.16)

Charter reference(s)--Utility rates, ' 10.2.

Sec. 86-5. Connections, disconnections and abandonment.

All water and sewer connections, disconnections or sealing off of abandoned lines shall be done by the city or under its direction at the expense of the property owner in accordance with the charges listed in appendix A. Violation of this provision, on rights-of-way of the city or on lands to which the city holds an easement, shall constitute a misdemeanor and shall be subject to a penalty as provided for in section 1-7. Further, any such violation shall be a trespass against the city and its property, and the city may assess the charges that would otherwise apply had this section been complied with; and if these charges are not paid within 30 days from the date of the billing, they shall be levied on any real or personal property within the city owned by the violator as a special assessment and collected in accordance with state law and the provisions of this Code.
(Code 1971, ' 2.17)

Sec. 86-6. Funding of revenues.

- (a) The revenues of the system, as collected, shall be deposited in a separate bank account and shall be designated the water and sewer fund; and the revenues so deposited shall periodically be transferred from the water and sewer fund to the several funds listed below and in the order and manner as indicated:
 - (1) *Operating and maintenance fund.* From revenues in the water and sewer fund, there shall be a monthly allocation to the operating and maintenance fund in sufficient amount to cover current administrative, operating and maintenance expenses.
 - (2) *General obligation bond debt retirement fund.* To this fund a monthly allocation shall be made and shall be used solely for the payment of interest and principal on the general obligation bonds of the city issued for water and sewer purposes. The amount of the monthly allotment shall be sufficient to meet contractual requirements.
 - (3) *Replacement fund.* There shall be established and maintained a replacement fund, which shall be used solely for improvements, extensions and enlargements to the system.
- (b) Moneys remaining in the water and sewer fund at the end of the fiscal year after satisfying all requirements of the funds noted in subsection (a) of this section may, at the option of the council, be used for any lawful purpose.

(Code 1971, ' 2.19)

Sec. 86-7. Deposits and investments.

Moneys comprising the funds listed in section 86-6 may be deposited in a single bank account with a separation of the several funds provided for in the accounting records of the city. Moneys in excess of current needs may be invested in U.S. government securities, in accord with Public Act No. 94 of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.); and interest derived from such investments shall be credited to the account from which the investment was made.

(Code 1971, ' 2.20)

Sec. 86-8. Water pollution.

It shall be unlawful to discharge into any natural watercourse or any storm sewer within the city or in any area under the jurisdiction of the city any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the state water resources commission.

(Code 1971, ' 2.39)

Secs. 86-9--86-40. Reserved.

ARTICLE II. WATER SERVICE

Sec. 86-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the city department of public works.

Director means the director of the department.

Water connection means that part of the water distribution system connecting the water main with the structure served.

Water main means that part of the water distribution system located within the easement lines of streets designed to supply more than one water connection.

(Code 1971, ' 2.21)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 86-42. Features of water service.

The city shall strive to maintain a continuous and adequate supply of water and shall whenever possible, for any discontinuance, give a 24-hour notice beforehand. Other service features are as follows:

- (1) *Responsibilities of the department.*
 - a. The department has the exclusive authority to turn on or off the water service, except that a licensed plumber under terms of a written order from the department may for purpose of testing be so authorized.
 - b. Also on written permission by the department, water may be turned on for construction purposes, before granting a certificate of occupancy, which usage shall be paid for on the basis of established schedules; but no other interference with the city water supply other than normal usage is allowed.
 - c. The city shall, at the owner's expense, provide the water connection from the main to the property line, including a cutoff installation. Wherever practicable, a separate line for each facility shall be installed at a depth sufficient to protect against freezing.

- d. Five-eighths-inch meters shall be installed at city expense, with an added charge for larger sizes; but such installation may be withheld should the owner fail to comply with the provisions of this article.
- e. Billings and other communications to the customer shall be directed to his recorded address, and the appropriate city office should be notified of any changes to the address; otherwise, the customer shall be responsible for any failure of delivery.
- f. The council may make special terms and conditions for use of water for public purposes.
- g. The city disclaims responsibility, not occasioned by undue negligence, for any personal loss sustained by failure of the system; except that customers may be credited for expense resulting from faucet flow as a protection against freezing when the city acknowledges the hazard as its own responsibility.

(2) *Owner's obligations.* Obligations of the owner shall include:

- a. Extension at his expense of the service facility from the property line to the premises at a depth, wherever practicable, sufficient to protect against freezing.
- b. Provide for a break to accommodate a meter installation in a manner and location approved by the director or his authorized agent.
- c. Provide for a cutoff on either side of the meter and a checkvalve where such is necessary to protect against damage to the meter or the system or against contamination of the water supply.
- d. Maintain his portion of the water connection in a manner that will protect the city against any leakage losses.
- e. Refrain from connecting to or mixing with any private well, sistern or any other alternate water supply or from making an extension to another use that should be separately metered if city water is available within 500 feet of the owner=s property within 30 days of the owner obtaining a certificate of occupancy.

(Code 1971, ' 2.22)

Sec. 86-43. Water meters.

All premises using water shall be metered, except as otherwise provided in this article. No person except a department employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter.

(Code 1971, ' 2.23)

Sec. 86-44. Access to meters.

The department shall have the right to shut off the supply of water to any premises where the department is not able to obtain access to the meter. Any qualified employee of the department 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 meters as well as other aspects of the service; and no person shall hinder, obstruct or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter. If the department is unable to obtain access to the meter, it shall have the right to shut off the water supply.
(Code 1971, ' 2.24)

Sec. 86-45. Reimbursement for damage.

Any damage which a meter may sustain resulting from carelessness of the owner, agent or tenant, or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water or steam backing from a boiler, shall be paid by the owner of the property to the city on presentation of a bill; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the city.
(Code 1971, ' 2.25)

Sec. 86-46. Meter failure.

If any meter shall fail to register properly, the department shall estimate the consumption on the basis of the previous billing.
(Code 1971, ' 2.26)

Sec. 86-47. Inaccurate meters.

A consumer may require that the meter be tested. If the meter is found accurate, a charge shall be set from time to time by the council and is listed in appendix A of this Code. If the meter is found defective, it shall be repaired or an accurate meter installed, and no charge shall be made.
(Code 1971, ' 2.27)

Sec. 86-48. Accuracy required.

A meter shall be considered accurate if, when tested, it registers not to exceed two percent more or two percent less than the actual quantity of water passing through it. If a meter registers in excess of two percent 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 two percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.
(Code 1971, ' 2.28)

Sec. 86-49. Bill adjustment.

If a meter has been tested at the request of a consumer and shall have been determined to register fast, the city shall credit the consumer with a sum equal to the percentage fast multiplied by the amount of all bills incurred by the consumer, within the three months prior to the test; and if a meter so tested is determined to register slow, the department may collect from the consumer a sum equal to the percentage slow multiplied by the amount of all the bills incurred by the consumer for the prior three months. When the department on its own initiative makes a test of water meter, it shall be done without cost to the consumer, other than his paying the amount due the city for water used by him if the meter is found to be

slow.
(Code 1971, ' 2.29)

Sec. 86-50. Hydrant use.

No person, except an employee of the city in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the department and paying such charges as may be prescribed.
(Code 1971, ' 2.30)

Sec. 86-51. Limitation of use.

The city manager, subject to approval by the council, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until 24 hours after publication in a newspaper of general circulation in the city. Any person violating such rule or regulation shall, upon conviction, be punished as prescribed in section 1-7.
(Code 1971, ' 2.31)

Sec. 86-52. Additional regulations.

The city manager may make and issue additional rules and regulations concerning the water distribution system, connection to the system, meter installation and maintenance, connection and meter installation fees, hydrants and water mains and their appurtenances, not inconsistent with this article. Such rules and regulations shall be effective upon approval by the council. The rules and regulations shall continue until changed in accordance with this section.
(Code 1971, ' 2.32)

Sec. 86-53. Injury to facilities.

No person shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city water supply system.
(Code 1971, ' 2.33)

Sec. 86-54. Fluoridation of water rejected.

The addition of fluoride to the public water supply of the city is hereby rejected, and a copy of this section shall be sent to the state department of public health.
(Ord. No. 6, 4-1-1971)

State law reference(s)--Fluoridation of water, MCL 333.12721, MSA 14.15(12721).

Sec. 86-55. Lawn sprinkling water meters.

- (a) The city will provide lawn sprinkling water meters for customers who desire a supply of water that will be used for lawn and garden sprinkling and will not be discharged into the city's sanitary sewer system. The city will charge the customer for the full cost of the meter and fittings. The

meter may be used during the months of May through October. An initial reading will be taken each May 1 and a final reading at the end of October. The recorded consumption for the May through October period will be deducted from the customer's master water meter reading with the customer paying only the current water charge based on the consumption recorded on the lawn sprinkling meter.

- (b) The customer will pay the current water/sewer rate and service charge on the adjusted master water meter reading.
(Ord. No. 47, 5-27-1982)

Sec. 86-56. Water Service Billing Procedure.

- (a) The water charges will be billed and become payable in accordance with the schedule established by the city.
- (b) Water charges shall be a lien upon the property. If the water charges are not paid within twenty (20) days after they become due and payable, they shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. On all delinquent bills, the city shall include a charge at the rate of 1.5 percent per month from the date of billing. If full payment is not received within ninety (90) days, the delinquent bill may be forwarded to the city assessor for placement on the succeeding tax roll.
- (c) In the event of the failure to pay water charges after they become delinquent, the city shall have the right to discontinue water service to the property and to enter upon the property to accomplish such purpose.
- (d) The expenses of discontinuing water service, as well as the expense associated with restoring such service, shall likewise be a debt to the city and a lien upon the property and may be recovered by civil action in the name of the city against the property owner, the person, or both.
- (e) Water service shall not be restored until all charges, including the expense of service removal and restoration, shall have been paid.
- (f) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating penalties.

Secs. 86-57--86-85. Reserved.

ARTICLE III. SEWER SERVICE FEES AND CHARGES

Sec. 86-86. Fees, rates, charges.

The fees, rates and charges for using the city wastewater disposal system facilities shall be upon the conditions and in the amounts set forth in this article except where this article is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the city.
(Ord. No. 90, ' 100, 7-28-1993)

Charter reference(s)--Utility rates, ' 10.2.

Sec. 86-87. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative cost means the cost to administer the wastewater disposal system, including billing and collecting charges, audits of accounts and insurance.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Capital cost means all reasonable and necessary costs and expenses incurred by the city in planning, designing, financing and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; and acquisition.

Commercial user means those commercial establishments, business establishments, or establishments seeking profit which contribute normal domestic sewage strength waste to the treatment facility.

Debt service means the principal and/or interest necessary to pay bonded or other indebtedness related to capital costs.

Debt service charge means the charge related to the principal and interest necessary to pay bonded or other indebtedness related to capital costs for facilities owned or operated by the city.

Domestic user or residential user means that discharge coming from domiciles in the service area which contribute that strength equal to or less than normal domestic waste.

Flow means the quantity of sewage expressed in gallons or cubic feet per 24 hours.

General municipal flow means the total sewage flow discharged to the wastewater disposal system facilities, minus the flows from industrial users, other municipalities, and contract users, and therefore includes sanitary wastes and infiltration. General municipal flow includes flow from domestic users, commercial users, institutional users and governmental users.

General municipal user means any user discharging sewage to the general municipal flow other than industrial users and other contract users. This category of user includes as subcategories: domestic users, commercial users, institutional users, and governmental users which are not contract users.

Governmental user means an establishment who functions in the administration and/or execution of governmental programs as well as the office of executives, legislative bodies and agencies which provide general support services for government.

Industrial user means a user who discharges to the municipal wastewater disposal system liquid wastes resulting from the processes employed in industry, manufacturing, or from the development of any natural resource. Industrial wastewater discharges are typically more concentrated than normal domestic strength wastewaters.

Institutional user means an establishment engaged in activities of a noneconomic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this article.

Load means quantities of sewage characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs./24 hours).

Normal domestic strength waste means a liquid waste that is generated by a typical residence, with an assumed concentration of 200 mg/l BOD, 240 mg/l suspended solids, and 15 mg/l phosphorous.

Operation and maintenance costs (O & M costs) means the expense related to the costs of the operation, maintenance and replacement of the wastewater disposal system facilities.

Replacement costs means costs related to the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the useful life of the wastewater disposal system facilities for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

Residential user means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semidetached, rural houses, mobile homes, and multiple-family dwellings.

Sanitary wastes means the liquid and water-carried wastes discharged from sanitary plumbing facilities.

Sewage means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.

Sewer means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

Sewer service charge means the aggregate of all the charges including the user charges, debt service charges and other sewer-related charges that are billed periodically to users of the wastewater disposal system facilities.

Sewer system means pipelines or conduits, pumping stations, force mains, and all other appurtenant devices and appliances used for collecting or conducting sewage.

Significant industrial user means any industrial user who discharges sewage which constitutes greater than ten percent of the design flow or design pollutant loading of the wastewater treatment plant.

SS (denoting suspended solids) means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

User means any person, whether municipal or otherwise, discharging sewage into the city disposal system facilities.

User charge means a charge levied on users of wastewater disposal system facilities for the cost of operation and maintenance and replacement of such facilities.

User class refers to one of the following: residential user, commercial user, industrial user, institutional user, and/or governmental user.

Wastewater disposal system means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage, and includes the sewerage system and any private disposal systems improved by federal funds obtained through the city.
(Ord. No. 90, ' 100, 7-28-1993)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 86-88. Purpose; charges.

- (a) It is the purpose of this article to recover from the users of the wastewater disposal system facilities, on an equitable and proportional basis, the overall share of the wastewater disposal system facilities costs attributed to such users, and to provide funds for the operation and maintenance, debt service, administration, replacement and improvements of the wastewater disposal system.
- (b) The sewer service charges provided in this section are levied and assessed upon each parcel of land, building or premises having any connection with or having a discharge into, whether directly or indirectly, the sanitary sewer system. No free services will be granted. Equal rates of treatment for all users will be enforced based upon the user charge system.
- (c) The council shall at least annually determine and fix by resolution the unit costs for use of the wastewater disposal system facilities on the basis of number of users, flow, BOD, SS, phosphorous and any other pollutant, taking into consideration the cost of treatment of sewage and may increase or decrease such cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section based upon the user charge system.
- (d) The council shall compute the amount due the city for sewer user charges and render a statement thereof, at the intervals determined by resolution of the council to the owner or occupant of any premises using the wastewater disposal system facilities or any component of the facilities. Such charges shall be pursuant to the most recent resolution establishing charges and rates in accordance with this article. All amounts due under this section shall be payable at the city office or other designated locations. Equal rates for O&M and replacement will be charged for all users of the system.
- (e) The city shall each year provide an internal audit report that will address specific areas of concern, including:
 - (1) The need to generate sufficient revenue through user charges to cover total O & M costs;

- (2) Debt service costs;
 - (3) The necessity of maintaining a proportionate system of user charges pursuant to current federal regulations; and
 - (4) The need to review the replacement account to determine its proper level of funding.
- (Ord. No. 90, ' 110, 7-28-1993)

Sec. 86-89. Billing practice.

- (a) The debt service charge, administration charge, operation and maintenance charge, and any required surcharge provided in this article shall be included as separate items on the periodic billing statement. The bill will be payable in accordance with the schedule established by the city.
 - (b) All portions of the sewer service charge shall be payable at the time the bill is issued.
 - (c)
 - (1) Charges levied in accordance with this article shall be a lien upon the property. If this debt is not paid within 20 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person or both. On all delinquent bills, the city shall include a charge at the rate of 1 1/2 percent per month from date of billing. If full payment is not received prior to September 15, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.
 - (2) In the event of failure to pay sewer service charges after they become delinquent, the city shall have the right to remove or close sewer connections and enter upon the property to accomplish such purposes.
 - (3) The expenses of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the city and a lien upon the property and may be recovered by civil action in the name of the city against the property owner, the person or both.
 - (4) Sewer service shall not be restored until all charges, including the expense of service removal and restoration, shall have been paid.
 - (5) Charge of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
 - (d) The city shall annually notify each user in conjunction with a regular bill of the breakdown of the rates and user charges related to the wastewater disposal system.
- (Ord. No. 90, ' 115, 7-28-1993)

Sec. 86-90. Funds from sewer service charges.

The funds received from the collection of the charges authorized by this article shall be deposited as collected in the wastewater disposal system operating fund and shall be used for debt service, operation and maintenance, replacement, administration, and improvements to the wastewater disposal system; except that the portion of any such funds which is limited to a particular use by applicable state and federal

rules or regulations shall be used in compliance with such restrictions. Separate accounts for each activity shall be maintained.

(Ord. No. 90, ' 120, 7-28-1993)

Charter reference(s)--Accounts and finance, ' 10.4.

Sec. 86-91. Unit cost categories.

The cost to be recovered pursuant to this article and the costs to be fixed by the city in section 86-88 shall be determined and allocated in each of the following categories:

- (1) *Category A, debt service for wastewater disposal system facilities project*, which shall be the amount of the annual interest and principal cost necessary to retire the bonds issued to pay for the local share of any necessary capital improvement projects along with any other interest and principal related to capital costs for facilities owned by this city.
- (2) *Category B, operation and maintenance -- wastewater disposal system facilities*, which shall be the annual cost of operating and maintaining the wastewater disposal system facilities, including an amount for replacement costs of equipment, which shall be segregated in a separate fund.
- (3) *Category C, administration of wastewater disposal system facilities*, which shall be the annual cost of administrating the wastewater disposal system, including billing and collecting charges, audits of accounts and insurance.

(Ord. No. 90, ' 125, 7-28-1993)

Sec. 86-92. Debt service charges.

The debt service charges for capital improvement projects (section 86-91, category A) shall be determined by the flow measured by the water meter at each user's premises. The unit cost for flow shall be calculated by dividing the category A (debt service) cost by the total metered flow sold to users of the wastewater disposal system.

(Ord. No. 90, ' 130, 7-28-1993)

Sec. 86-93. Measurements of strength and volume.

- (a) When required by the city, each wastewater system user who discharges abnormally high-strength or high-volume wastewater shall install suitable wastewater measuring, sampling and analyzing devices in compliance with article IV.
- (b) The city shall not require the installation of measuring devices where the city determines that a user has a wastewater with concentrations of BOD and phosphorous that are no greater than the constituents in normal domestic strength waste and a satisfactory method and location exists for sampling and determining the total daily sewage flow. In such cases, the charges to those users shall be based on the flow rates as determined and on BOD, suspended solids, and phosphorous load equal to the average load of the normal domestic strength waste.
- (c) Each user required by the city to install and maintain wastewater monitoring facilities shall submit

to the city a monthly report of daily flow, BOD, suspended solids, and phosphorous or other constituent on a form approved by the city. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month.

- (d) The city shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the samples obtained by the user. The city may, at its discretion, charge the user for any monitoring service performed; such charges shall be at cost. In the event of any discrepancy between the flows or loads determined by the city and the user, the values determined by the city shall be used for the billing purposes.

(Ord. No. 90, ' 135, 7-28-1993)

Sec. 86-94. Operation and maintenance charges.

- (a) The charge for operation and maintenance shall be determined by the flow measured by the water meter at each user's premises and in cases of use by other than general municipal users, by the pollutant concentrations of the sewage. The unit cost for flow shall be calculated by dividing the category B (operation and maintenance) cost by the total metered flow sold to users of the wastewater disposal system.
- (b) Users discharging wastewater exceeding the BOD, SS and/or phosphorous parameters of the general municipal flow shall pay an additional charge pro rata. The unit cost for BOD, SS and phosphorous shall be calculated by apportioning the category B (operation and maintenance) cost to flow, BOD, SS and phosphorous, and then dividing each cost so apportioned by the total billable flow, BOD, SS and phosphorous received at the wastewater treatment facility in that year. The user charge shall be the sum of the products obtained by multiplying the unit costs by the user's actual flow, BOD, SS and phosphorous during the billing period.
- (c) In addition to the charges provided for in this section, the city must impose a surcharge on any user pursuant to article IV or based on some other pollutant loading factor which requires special treatment at the wastewater treatment works.
- (d) Facilities not having a water supply that is metered or if the meter readings are not available, shall be charged based on the flow anticipated from a typical single-family dwelling. The typical single-family dwelling shall be assigned a flow value of one and shall pay for the wastewater disposal system use on a fixed monthly charge basis. Using this basic charge, sewer service charges for the other than residential dwellings shall be calculated by the city as follows:
 - (1) Each unit of a townhouse shall have a value of one.
 - (2) Condominiums, duplex units and apartments shall have a value of one for each living unit.
 - (3) Mobile homes shall have a value of one.
 - (4) Commercial and industrial building units shall be assigned a minimum value of one living unit.
 - (5) Other buildings and structures not listed in the table below shall be assigned a value of one

for each multiple of the estimated annual wastewater discharge anticipated from the typical single-family dwelling.

- (6) All nonfamily dwellings may be required to install and maintain water meters at no charge to the city. The city reserves the right to require annual tests to ensure accurate flow. The following is a listing of standards used in assigning the flow value for various commercial, public and institutional facilities.

Type of Facility	Parameter	Flow Value
Arenas	100 seats	1
Automobile service center	2 service bays	1
Barbershop	Each	1
Bible camp	5 campers (persons)	1
Boardinghouse	3 beds	1
Bowling alleys	3 alleys	1
Cabins, modern (rental units and part of a resort)	3 units	2
Campground with central bath facilities	2 sites	1
Car wash	Each	30
Car wash (self-service)	1 stall	1
Churches	250 seats	1
Clubhouse (shower heads)	Each	12

Cocktail lounge	25 seats	1
General office building	2,400 sq. ft. floor space	1
Hospitals	1 bed	1
Laundromats or laundry rooms	1 machine	1
Motels and hotels (assume 2 persons per room)	2 rooms	1
Recreational vehicle campground (with individual sewer hookups)	3 hookups	2
Resorts (with housekeeping)	3 units	2
Restaurant (drive-in)	9 parking spaces	1
Restaurant (24-hour service)	12 seats	1
Restaurant (with cocktail lounge)	9 seats	1
Retail stores	3,000 sq. ft. floor space	1
Roominghouse	7 beds	1
Schools (elementary)	20 students	1
Schools (secondary)	15 students	1
Service station (gas pumping only)	Each	1
Service station with service center and car wash	Each	8
Swimming pools	27 swimmers	1

Theater	75 seats	1
Theater (drive-in)	55 parking spaces	1
Trailer park or campground with central bathhouse	2 sites	1
Trailer park or campground with flush toilets and no showers	3 sites	1
Warehouses	14 employees	1

- (e) There shall be a minimum monthly sewer service charge that shall be equal to the debt service charge based on the flow anticipated from a typical single-family dwelling plus the administrative charge. The minimum charge shall be levied when no wastewater is discharged by a user during one complete billing period.
- (f) Unmetered users may install their own meter and be charged in the same manner as metered customers if the meter is installed and maintained pursuant to all city rules and regulations.
- (g) If a substantial portion of the water utilized by any user is not discharged into the sewerage system, the volume of such water shall be deducted in computing the sewer use charge, provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the city and engage, at their own expense, a plumber to affect the necessary piping changes and install the couplings so the meter can be set. The user may also make direct payment to the distributor for the necessary meter provided it is approved by the city.

(Ord. No. 90, ' 140, 7-28-1993)

Sec. 86-95. Amendments.

Public notice shall be given in accordance with applicable provisions of the state and federal law prior to adoption of any amendments to this article.

(Ord. No. 90, ' 140, 7-28-1993)

Sec. 86-96. Liens for non-payment of bills.

Charges levied in accordance with this article shall be a lien upon the property. If this debt is not paid within twenty (20) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both. On all delinquent bills, the city shall include a charge at the rate of 1 1/2 percent per month from the date of billing. If full payment is not received within ninety (90) days, the delinquent bill may be forwarded to the city assessor for placement on the succeeding tax roll.

Secs. 86-97--86-130. Reserved.

ARTICLE IV. SEWER USE

DIVISION 1. GENERALLY

Sec. 86-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the council or its duly authorized agent or representative.

BOD (abbreviation for biochemical oxygen demand) means the quantity of oxygen used in the oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Celsius, expressed in milligrams per liter as determined according to the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Building drain means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning five feet (1.52 meters) outside the inner face of the building wall.

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

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

Easement means an acquired legal right for the specific use of land owned by others.

Floatable oil means oil, grease or fat in a physical state in which it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Ground garbage means garbage which has been shredded to the degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch (12.7 mm) in any dimension.

Industrial wastes means the wastewater from industrial processes or trade, as distinct from sanitary sewage.

National categorical pretreatment standard or pretreatment standard means any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

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

Normal domestic strength waste means a liquid waste that is generated by a typical residence with the assumed concentrations of 200 mg/l BOD, 240 mg/l suspended solids, and 15 mg/l phosphorous.

NPDES permit (national pollutant discharge elimination system permit) means the licensing method used to maintain effluent quality standards by the department of natural resources when authorizing the discharge of liquid pollutant into a surface water of the state, and includes monitoring requirements and maximum contaminant levels for the discharge.

Parts per million (also milligrams per liter) is a weight-to-volume ratio. (To calculate pounds per million gallons multiply parts per million by 8.345.)

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature 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 a publicly owned wastewater facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

Public sewer means a common sewer controlled by a governmental agency or a public utility.

Sanitary sewage (also normal domestic strength waste) means any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities.

Sanitary sewer means a sewer that carries liquid and waterborne wastes from residences, industrial plants, commercial buildings and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

Sewage means the spent water of a community. (The term "wastewater" is preferable.)

Sewer means a pipe or conduit that carries wastewater or drainage water.

Slug means any discharge of water or wastewater which, for any length of time greater than 15 minutes, exceeds five times the average 24-hour concentration of any particular constituent or the average rate of flow during normal operation, and which will adversely affect the collection system or performance of the wastewater treatment works.

Standard Methods means the methods used in 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, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

Storm drain (also *storm sewer*) means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Stormwater runoff means that portion of rainwater that is drained into the sewers.

Suspended solids (SS) means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater. It is referred to as nonfilterable residue.

Unpolluted water means water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of water quality standards and which would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User means any individual, partnership, firm, group, company, association, corporation or society served by the wastewater system.

Wastewater means the spent water of a community. With reference to source, it may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and to dispose of the effluent.

Wastewater service area means that area which is served by the wastewater system operated by the city.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.
(Ord. No. 91, ' 200, 7-28-1993)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 86-132. Required use of public sewers.

- (a) *Scope.* This article pertains to all wastewater generators within the wastewater service area of the city.
- (b) *Waste discharges prohibited.* It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the service area of the city wastewater system any animal or human excrement, garbage or objectionable waste.
- (c) *Waste discharges prohibited.* It shall be unlawful to discharge into any natural outlet within the wastewater system area any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article.

- (d) *Unapproved on-site.* Except as otherwise provided, it shall be unlawful to construct or maintain within the wastewater system area any non-health department-approved, on-site treatment and disposal system, such as a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
 - (e) *Public sewer connection.* The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes and situated within the wastewater system area on any street, alley or right-of-way in which there is located a public sanitary sewer are required at their expense to install suitable toilet facilities in the houses, buildings or properties and to connect those facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after the date of an official notice to do so, provided the public sewer is within 200 feet (61 meters) of the building.
 - (f) *Allowable on-site systems.* On-site disposal shall be allowed for all wastewater generators who do not have a public sewer within 200 feet of the property line and who have a construction permit from the state department of public health.
- (Ord. No. 91, ' 210, 7-28-1993)

Sec. 86-133. Damage or tampering with wastewater facilities; willful, negligent or malicious damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facility. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct or malicious destruction of property as the case may be.

(Ord. No. 91, ' 260, 7-28-1993)

Sec. 86-134. Power and authority of inspectors.

- (a) *Right of entry.* Duly authorized agents of the approving authority, bearing proper credentials and identification, shall be permitted to enter such properties as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing to determine compliance with the provisions of this article. They shall have no authority to inquire into any process beyond that point having direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment.
- (b) *Safety.* While performing the necessary work on private premises, investigators shall observe all the safety rules applicable to the premises established by the user.
- (c) *Right to enter easements.* Duly authorized agents of the approving authority, bearing proper credentials, shall be permitted to enter all private properties through which the approving authority has duly negotiated easements, for the purpose of repair and maintenance of any portion of the wastewater works lying within the easement, subject to the terms, if any, in the agreement.

(Ord. No. 91, ' 250, 7-28-1993)

Sec. 86-135. Administrative appeals; board of appeals.

- (a) So provisions of this article may be reasonably applied and substantial justice done in instances

where unnecessary hardship would result from carrying out the strict letter of this section, the council shall serve as a wastewater board of appeals. The duty of such board shall be to consider appeals from the decision of the city manager and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

- (b)
 - (1) An informal hearing before the city manager may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days, stating the reasons for the request, with supporting documents and data.
 - (2) The informal hearing shall be scheduled at the earliest practicable date, but not later than five days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the city manager.
- (c)
 - (1) Appeals from orders of the city manager may be made to the council, acting as a board of appeals, within 30 days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a notice of appeal with the city manager and with the board, specifying the grounds for the appeal. Prior to a hearing, the city manager shall transmit to the board a summary report of all previous action taken. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the board must concur.
 - (2) The board of appeals shall fix a reasonable time for the hearing of the appeal, give due notice to interested parties, and decide the appeal within a reasonable time. Within the limits of its jurisdiction, the board may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom the appeal is taken. The decision of the board shall be final.
 - (3) The board of appeals shall meet at such times as it may determine. Meetings shall be open to the public in accordance with applicable laws. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the board, and the vote of each member upon each questions considered. The presence of three members shall be necessary to constitute a quorum.
 - (4) The board of appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the board.
- (d) All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the city. Upon resolution of any appeal, the city shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.
- (e) If an informal or formal hearing is not demanded within the periods specified in this section, such administrative action shall be deemed final. If either or both such hearings are demanded, the

action shall be suspended until a final determination has been made, except to immediate cease and desist orders issued pursuant to this section.

- (f) Appeals from the determination of the board of appeals may be made to the circuit court for the county within 20 days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan, Public Act No. 306 of 1979 (MCL 24.201 et seq., MSA 3.560(101) et seq.). All findings of fact, if supported by the evidence, made by the board shall be conclusive upon the court.

(Ord. No. 91, ' 280, 7-28-1993)

Sec. 86-136. Maintenance of system.

The city shall clean annually all approved private septic holding tanks which are located within the city limits at no expense to the owner other than the regular surcharge rate for sewage collection and disposal included in the water charge.

(Ord. No. 12, 1-4-1973)

Sec. 86-137. Violations and penalties.

- (a) *Written notice of violation.* Any notice of violation given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the approving authority, or its authorized designee. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, the procedures of subsection (b) of this section shall be implemented.
- (b) *Violations.*
 - (1) Any person found to be in violation of this article or any requirement of a permit issued under this article may be served with a written notice, stating the nature of the violation and providing a reasonable time limit for compliance.
 - (2) Any person who continues to violate the provisions of this article beyond the time limit stated in the notice of violation may be charged with commission of a misdemeanor, or upon conviction shall be punished in accordance with section 1-7.
 - (3) Each day or portion of a day that a violation continues shall constitute a separate offense.
- (c) *Liability for losses.* Any person violating any provision of this article shall become liable to the approving authority for any expenses, loss or damage occasioned by reason of such violation which the approving authority may suffer as a result of the violation.

(Ord. No. 91, ' 270, 7-28-1993)

Sec. 86-138. Responsibilities of City and Owner.

- (a) The city shall provide the sewer connection from the sewer main to the property line. Whenever practicable, a separate line for each facility shall be installed at a depth sufficient to protect against freezing.

- (b) Owner shall maintain the portion of the building sewer line in a manner that will protect against any leakage losses and free of all blockage and restrictions.
- (c) The city shall have no responsibility for any property damage or sewer-line repairs on owner=s property caused or contributed to by owner=s use of, defect in, or owner=s failure to maintain, the building sewer line.

Secs. 86-139--86-160. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 86-161. Building and connections.

- (a) *Sewer permit requirements.* No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance to a sewer without first obtaining a written permit from the approving authority. No connection to the wastewater system shall be made unless it is officially determined that the system capacity is available.
- (b) *Connection costs.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the approving authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) *Building sewer requirement.* A separate and independent building sewer shall be provided for every building discharging wastewater.
- (d) *Use of old building sewer.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements of this article.
- (e) *Building sewer construction.* The size, slope, alignment, materials and construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes and to other applicable rules and regulations of the approving authority. Wastewater facilities shall also conform to the provisions of the Water Environment Federation Manual of Practice No. 9, Design and Construction of Sanitary and Storm Sewers, and "Ten-States Standards."
- (f) *Sewer elevation.* Whenever possible, the building sewer shall be brought to a building at a level below the level of the basement floor. In a building in which any building drain is too low to permit gravity flow into the public sewer, the wastewater carried by that low building drain shall be lifted by a pump or other approved means and discharged into the building sewer.
- (g) *Clearwater sources not allowed.* No person shall connect downspouts, foundation drains, areaway drains, sump pumps or other surface runoff or groundwater to a building sewer or to a building drain which in turn is connected directly or indirectly to a public sewer unless the connection is

approved by the approving authority for the purpose of disposal of polluted surface drainage.

- (h) *Building sewer connection.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the approving authority. All connections shall be made gastight and watertight and shall be verified by proper testing. Any deviation from the prescribed procedures or materials must be approved by the approving authority before installation.
- (i) *Connection approval.* An applicant for a building sewer installation shall notify the approving authority when the building sewer is ready for inspection and connection with the public sewer. The connection and testing shall be made under the supervision of the approving authority or his representative.
- (j) *Construction safety.* All excavation for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Sidewalks, streets, parkways and other public property disturbed in the course of the work of installing a building sewer shall be restored in a manner satisfactory to the approving authority.
- (k) *Connection charge.* The approving authority may levy a connection charge upon the application for connection of a building sewer to the public sewer. The amount of this charge shall be determined by a resolution adopted by the approving authority. The amount shall be paid by the owner of the building served by the building sewer.

(Ord. No. 91, ' 220, 7-28-1993)

Secs. 86-162--86-185. Reserved.

DIVISION 3. PROHIBITED DISCHARGES

Sec. 86-186. Use of the public sewers.

- (a) *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, surface drainage or cooling water to any sanitary sewer; except that stormwater runoff from limited areas, which may be polluted at times, may be discharged into the public sewer by permission of the approving authority.
- (b) *Inspections.* Authorized persons of the city may make inspections within the wastewater system area for sump pump connections to public sewers and illegal downspout connections. Violations shall be reported to the approving authority.
- (c) *Storm sewers.* Stormwater other than that exempted under subsection (a) of this section and all other unpolluted drainage shall be discharged to such sewers specifically designated as storm sewers or to natural outlets approved by the approving authority. Unpolluted industrial cooling water or process water may be discharged, on approval of the approving authority, to a storm sewer or natural outlet.
- (d) *Prohibitions and limitations.* Discharge of various substances, materials, waters or wastes to the sewerage system shall be limited to concentrations or quantities which in the judgment of the

approving authority will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the groundwater; will not otherwise endanger life, limb, public property; and will not constitute a nuisance. The approving authority may set limitations more restrictive than the limitations established in the regulations below if, in its own opinion, such limitations are necessary to meet the above prohibitions. In forming its opinion as to the acceptability of a particular waste being discharged to the sanitary sewer, the approving authority will have sole discretion, but will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer are as follows:

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (3) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (4) Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, or to create a toxic effect in the receiving waters of the wastewater treatment works or exceed the standard in the national categorical pretreatment standard. This prohibition of toxic pollutant will conform to section 307(a) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
- (5) Wastewater containing floatable oil, fat or grease.
- (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, sand, mud, straw, shavings, metal, glass, rags, manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Garbage that has not been properly shredded. Garbage grinders may be connected to a sanitary sewer from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places.
- (8) Water or wastes containing objectionable or toxic substances in concentrations that would result in the composite wastewater at the wastewater treatment works exceeding the limits established by the approving authority.
- (9) Water or wastes containing odor-producing substances exceeding limits which may be established by the approving authority.
- (10) Water or wastes having a pH lower than 6.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the wastewater

facility.

- (11) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the approving authority in compliance with state and federal regulations.
 - (12) Quantities of flow, concentrations or both which constitute a slug.
 - (13) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment site effluent cannot meet the requirements of the NPDES permit.
 - (14) Water or wastes which, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, which interfere with the collection system or create a condition deleterious to structures and treatment processes.
 - (15) Materials which exert or cause:
 - a. Unusual BOD, SS or phosphorous requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - b. Unusual flow volumes of concentrated wastes constituting slugs.
 - c. Unusual concentrations of inert suspended solids (such as fuller's earth, lime slurries and lime residues) or dissolved solids (such as sodium sulfate).
 - d. Excessive discoloration (such as dye wastes and vegetable tanning solutions).
- (e) *Variances.* Variance at its sole discretion may be issued upon application to the approving authority by a wastewater system user whereby wastes of unusual strength or character, either before or after pretreatment, may be accepted by the approving authority, provided there is no impairment of the functioning of the sewage disposal works or damage to the sewers or treatment facilities or receiving waters by reason of the admission of such wastes, and no extra costs are incurred by the approving authority without recompense by the person requesting admission of the waste into the sewerage works.

(Ord. No. 91, ' 230, 7-28-1993)

Secs. 86-187--86-210. Reserved.

DIVISION 4. INDUSTRIAL WASTES

Sec. 86-211. Control of industrial wastes directed to public sewers.

- (a) *Industrial waste discharge characterization.*
 - (1) Within three months after July 28, 1993, each person who discharges industrial wastes to a public sewer shall prepare and file with the approving authority a report that shall include

pertinent information relating to the quantity and characteristics of the wastes to be discharged into the wastewater works.

- (2) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and provide to the approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (b) *Extension.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on a person to comply with the schedule imposed by subsection (a) of this section, a request for an extension of time may be presented for the consideration of the approving authority.
- (c) *Acceptance of industrial waste.* If any waters or wastes are discharged or proposed to be discharged into the public sewers, and those waters or wastes contain substances or possess characteristics listed in section 86-186 and which, in the judgment of the approving authority, may have a harmful effect upon the wastewater works, processes, equipment or receiving waters, or which otherwise might create a hazard to life or health, or constitute a public nuisance, the approving authority may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge into the public sewers;
 - (3) Require control over the quantities and rates of discharge; or
 - (4) Require payment in addition to existing taxes or sewer charges to cover the added cost of handling and treating the wastes.
- (d) *Control manhole.*
- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more manholes or access points to facilitate observation measurement and sampling of his wastes, including domestic wastewater. Manholes and access facilities shall be located and built in a manner acceptable to the approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the approving authority.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring devices are to be permanently installed, they shall be a type acceptable to the approving authority.
 - (3) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the approving authority before the beginning of construction.
- (e) *Flow metering.* The volume of flow used for computing industrial waste collection and treatment

charges shall be the metered water consumption of the wastewater system user as shown in the records of meter readings maintained by the owner except as noted in subsection (f).

- (f) *Rate relief.* If a wastewater system user discharging industrial waste into the public sewers produces evidence satisfactory to the approving authority that more than ten percent of the total annual volume of water used for all purposes does not reach the public sewer, the determination of water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the approving authority and the wastewater system user.
- (g) *Wastewater sampling.*
 - (1) Devices for measuring the volume of waste discharged may be required by the approving authority if that volume cannot be otherwise determined or estimated. Metering devices shall be installed, owned and maintained by the person discharging the waste. After approval and installation, the metering devices may not be removed or altered without the consent of the approving authority.
 - (2) Samples shall be collected in a manner to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical, electric or electronic equipment acceptable to the approving authority.
 - (3) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state similar to what it was at the time the sample was taken.
- (h) *Monitoring changes.* The approving authority may, at its option, install structures and equipment, and perform the measuring and sampling called for in subsection (g) of this section. In that case all structures and equipment shall be considered part of the wastewater treatment works, and the costs of construction and maintenance shall be included in the service charge to the industrial user.
- (i) *Pretreatment.*
 - (1) When in the opinion of the approving authority and in accordance with 40 CFR 403 and other applicable state and federal regulations pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person so discharging shall provide, at his expense, the pretreatment facilities the approving authority may deem necessary to render his waste acceptable for discharge into the public sewer.
 - (2) Upon the promulgation of the national categorical pretreatment standards for a particular subcategory, the pretreatment standard, if more stringent than limitations imposed under this article for sources in the subcategory, shall immediately supersede the limitations imposed under this article and shall be considered part of this article. The approving authority shall notify all affected users of the applicable reporting requirements.

- (j) *Interceptors.* Grease, oil and sand interceptor devices shall be provided by the user, at his expense when in the judgment of the approving authority such devices are necessary for the proper handling of liquid wastes as described in this article, or any flammable wastes, sands or other harmful ingredients. Such interceptors shall not be required for private dwellings. All interceptors shall be located so as to be easily accessible for cleaning and inspection. In the maintenance of the interceptors, the user shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall keep records of the dates and means of disposal. The records are subject to review by the approving authority. Any removal and handling of the collected materials not performed by the user's personnel must be performed by licensed waste disposal firms.

- (k) *Measuring and testing.*
 - (1) All measurements, tests and analyses of the characteristics of the water and wastes to which reference is made in this article shall be determined in accordance with 40 CFR 136, and in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the approving authority.

 - (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them. The approving authority may also make its own analysis of the wastes, and these determinations shall be binding as a basis for treatment service charges.

- (l) *Plan review.* Plans, specification and any other pertinent information relating to proposed flow equalization pretreatment or processing facilities shall be submitted for review by the approving authority before the start of construction if the effluent from those facilities is to be discharged into the public sewers.

(Ord. No. 91, ' 240, 7-28-1993)