

**CITY OF GRANT**  
Newaygo County, Michigan

**ORDINANCE NO. 52**

**SANITARY SEWER USE ORDINANCE**

An ordinance regulating the use of the public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sanitary sewer system of the City and providing penalties for its violation.

**THE CITY OF GRANT ORDAINS:**

**ARTICLE I: DEFINITIONS**

1.1 Definitions A-G. The following definitions of words, phrases and abbreviations shall apply to this ordinance.

- (a) “Administrator” means the City of Grant Department of Public Works Supervisor or his or her designee, or other person designated by the City Commission, to administer and enforce this ordinance.
- (b) “BOD” (denoting “Biochemical Oxygen Demand”) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in 5 days at 20 degrees C and is expressed in terms of weight or in terms of concentration by milligrams per liter (mg/l).
- (c) “Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge inside the walls of the building and conveys it to the Building Sewer. The Building Drain shall begin 5 feet outside the inner face of the building wall and terminate in the building.
- (d) “Building Sewer” means the extension from the Building Drain to the Public Sewer main located in the public right-of-way or easement or other place of disposal.
- (e) “CBOD” (denoting “Chemical Oxygen Demand”) means the oxygen-consuming capacity of organic and inorganic matter present in sewage expressed in milligrams per liter (mg/l).
- (f) “Cesspool” means an underground pit into which raw household sewage or other untreated liquid waste is discharged, and from which the liquid seeps into the surrounding soil or is otherwise removed.
- (g) “Chlorine Demand” means the difference between the amount of chlorine applied and the amount of free chlorine available at the end of contact time expressed in milligrams per liter (mg/l).
- (h) “City” means the City of Grant, Michigan.
- (i) “City Commission” means the City Commission of the City of Grant, Michigan, or their appointed designee.
- (j) “Connection Inspector” means the Administrator or other person designated by the City Commission or, if not by the City Commission, by the Administrator, as

responsible for inspecting connections of individual structures to the public sanitary sewer system.

(k) “Domestic User” means a User of the System who discharges only Domestic Wastewater into the System.

(l) “Domestic Wastewater” means the liquefied wastes such as human excreta; wastes from sinks, lavatories, bathtubs, showers, laundries, and any other water carried wastes or organic nature either singly or in combination, from personal or residential sanitation.

(m) “GPD” means gallons per day.

(n) “Garbage” means solid wastes from the preparing, cooking and dispensing of food, and from the handling, sale, and storage of produce.

1.2 Definitions H-P. The following definitions of words, phrases and abbreviations shall apply to this ordinance.

(a) “Holding Tank Waste” means any waste from holding tanks such as boats, chemical toilets, campers, trailers, motor homes, septic tanks, vacuum-pump tank trucks, other tank trucks, barrels, or other such tanks or containers.

(b) “Industrial Wastewater” means the liquefied or liquid carried wastes, solids, or semisolids from industrial, commercial or institutional processes as distinct from Domestic Wastewater.

(c) “Interference” means any discharge which alone or in conjunction with a discharge from other sources,

(1) inhibits or disrupts the System and any of its processes or operations, or the use or disposal of its sludge;

(2) causes a violation of any requirement of the applicable NPDES Permit (including an increase in the magnitude or duration of a violation).

(d) “May” is permissive.

(e) “MDEQ” means the Michigan Department of Environmental Quality or any successor agency.

(f) “NPDES Permit” means the National Pollution Discharge Elimination System Permit issued for the System.

(g) “Natural Outlet” means any outlet into a watercourse, pond, lake, ditch, or other body of surface or groundwater.

(h) “Nuisance” means, but is not limited to, any condition where Sewage or the effluent from any Sewage Disposal Facility or Toilet Device is exposed to the surface of the ground; or is permitted to drain on or to the surface of the ground, into any ditch, Storm Sewer, lake, or stream; or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons; or when it shall obstruct the comfortable use or sale of adjacent property.

- (i) “Person” means any individual, firm, company, association, partnership, society, corporation, group, trust, or other legally recognizable organization or entity.
- (j) “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (k) “Properly Shredded Garbage” means the wastes from the cooking, preparation, and dispensing of food that have been shredded or cut to such degree that all particles will be freely carried under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (l) “Public Sewer” means a Sanitary Sewer within the System.

1.3 Definitions R-Z. The following definitions of words, phrases and abbreviations shall apply to this ordinance.

- (a) “Sanitary Sewer” means a Sewer which carries Sewage. Storm, surface, and ground waters are not admitted to a Sanitary Sewer.
- (b) “Seepage Pit” means a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material, loosely laid with open joints to allow Septic Tank overflow or effluent to be absorbed directly into the surrounding soil.
- (c) “Septic Tank” means a watertight tank or receptacle used to receive wastes from flush toilets, sinks, lavatories, bathtubs, showers, laundry drains, and any other similar waste lines. The Septic Tank is intended to provide for the separation of substantial portions of the Suspended Solids in such wastes and the partial destruction by bacterial action on solids so separated.
- (d) “Sewage” means any combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.
- (e) “Sewage Disposal Facility” means a privy, Cesspool, Seepage Pit, Septic Tank, Subsurface Disposal System, or other devices used in the disposal of Sewage or human excreta.
- (f) “Sewage Treatment Plant” means any arrangement of devices and structures used for treatment of Sewage.
- (g) “Sewage Works” means all facilities for collecting, pumping, treating, and disposing of Sewage.
- (h) “Sewer” means any pipe, tile, tube, or conduit for carrying Sewage.
- (i) “Shall” is mandatory.
- (j) “Slug” means any discharge of water, Sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of time longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.
- (k) “Standard Specifications” means the City of Grant Standard Specifications for Sanitary Sewer and Water Mains, as they may be amended or any successor standards adopted by the City Commission.

- (l) “State” means the state of Michigan, including any agency or official of competent jurisdiction.
- (m) “Storm Sewer” or “Storm Drain” means a Sewer which carries storm or surface waters or drainage, but excludes Sewage or polluted industrial wastes.
- (n) “Subsurface Disposal System” means an arrangement for distribution of Septic Tank effluent or overflow beneath the ground surface.
- (o) “Suspended Solids” means solids either floating on the surface of or suspended in water or Sewage, and which are removable by laboratory filtering.
- (p) “System” means the complete sanitary sewer disposal system lying within the boundaries of the City and includes all collection lines, mains, and other piping; all pump and lift stations; all control structures; all manholes; the Sewage Treatment Plant; the outfall piping; and all appurtenances, but does not include the Building Drain or the Building Sewer.
- (q) “Toilet Device” means a privy, outhouse, Septic Tank, or toilet, chemical closet, or other device used for the disposal of human excreta.
- (r) “User” means any person who is an owner, operator, or occupant of a premises connected to or discharging into the System.

## ARTICLE II: USE OF PUBLIC SEWERS

2.1 Connection Required. The owners of all structures and property within the City from which Sewage originates are required to install, at their own expense, suitable toilet facilities therein, and to connect such facilities directly with the Public Sewer in accordance with this ordinance. Such hook-ups shall be mandatory, provided such Public Sewer is within 200 feet of the nearest building or other structure in which Sewage originates and shall be completed within 90 days of the date on which written notice of the availability of the Public Sewer is provided to the property owner.

2.2 Connections Maintained. Upon connection to the Public Sewer, any Septic Tank, privy, privy vault, Cesspool, or similar private Sewage Disposal Facility shall be abandoned and filled with suitable material. All buildings which are connected to the Public Sewer shall install and maintain, at their own expense, suitable toilet facilities therein. All buildings connected to the Public Sewer shall maintain connection to the Public Sewer and such connection shall be mandatory.

2.3 Private sewage disposal.

- (a) Use where sanitary sewer system unavailable. Where a sanitary sewer system is not available under the provisions of Section 2.1, the building sewer shall be connected to a private sewage disposal system complying with this section.
- (b) Soil evaluation test; permit for installation. Before beginning the construction or installation of a private sewage disposal system, the Person owning the property shall first apply for and obtain from the county health department a soil evaluation test and a construction permit.

- (c) Inspections. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the county health department. All Persons receiving a permit for a private sewage disposal system shall provide the city manager with copies of all final approved inspection reports issued by the county health department.
- (d) Specifications. The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the county health department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,800 square feet. No Septic Tank or Cesspool shall be permitted to discharge to any Public Sewer or natural outlet.
- (e) Connection to Public Sewer when available; cleaning of private system. At such time as the sanitary sewer system becomes available to a property served by a private sewage disposal system, as provided in Section 2.1, a direct connection shall be made to the Public Sewer in compliance with this division, and any Septic Tanks, Cesspools and similar private sewage disposal facilities shall be cleaned of any Sludge, abandoned and filled with clean bank run gravel or dirt.
- (f) Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (g) Additional requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the City.

### ARTICLE III: BUILDING SEWERS AND CONNECTIONS

- 3.1 Connection Permit Required. No unauthorized Persons shall uncover, make any connections with or open into, use, alter, or disturb any Public Sewer or its appurtenances without first obtaining a written permit from the Administrator.
- 3.2 Permit Application. Prior to connection of a Building Sewer to the Public Sewer, the owner or the owner's agent shall submit a permit application to the Administrator. This application will be on a special form furnished by the Administrator. The permit application shall be supplemented by any fees, and by any plans, specifications, or other information required by the Administrator. Any User which will be discharging non-Domestic Wastewater shall provide detailed information about the quantities, characteristics, timing, and other aspects of its anticipated discharges into the Public Sewers, as well as details of any pre-treatment, Slug control, discharge rate controls, spill prevention plans, and other controls or safeguards to be in the applicant's facility.
- 3.3 Permit Duration. A permit shall be valid for a period of one year from the date of issuance.
- 3.4 Payment of Costs; Indemnification of City. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner or applicant. The City or a contractor hired or approved by the City shall construct any needed lateral or stub from the Public Sewer main to the property line. The property owner shall pay all costs of such construction. The owner or applicant shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

- 3.5 Separate Sewer for Each Building. Separate and independent Building Sewer leads shall be provided for every building. Exceptions will be considered by the Administrator only for pre-existing buildings which cannot otherwise be connected to the Public Sewer. Exceptions will also be considered by the Administrator for integrated manufacturing facilities with process or assembly connections between buildings.
- 3.6 Old Building Sewers. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Administrator or the Connection Inspector, to meet all requirements of this ordinance and adopted plumbing code standards.
- 3.7 Pipe Requirements. The Building Sewer shall meet the requirements of the Standard Specifications.
- 3.8 Building Sewer Diameter. The size of the Building Sewer shall not be less than six (6) inches in diameter.
- 3.9 Checkvalves. All Building Drains shall have checkvalves or other backflow preventers or the City shall be immune from liability for and shall not pay any claims resulting from any backflow of wastewater into the building.
- 3.10 Fees Established. The City shall be responsible for the establishment of, and provide for the collection of, all permit, hook-up, and inspection fees as may be required.
- 3.11 Distancing from Water Lines. A minimum distance of 10 feet shall be maintained between the Building Sewer and any water-carrying pipes.
- 3.12 Building Sewer Elevation and Slope. 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 and within 3 feet of any bearing wall. The minimum depth of the Building Sewer at the property line shall be 8-1/2 feet below the established street grade. Where this minimum depth cannot be obtained, the Building Sewer shall be laid with a rise of 1/4 inch per foot.
- 3.13 Lift Device Required. In all buildings in which any Building Drain is too low to permit gravity flow to the Building Sewer, Sewage to be carried by the Building Drain shall be lifted by approved means and discharged to the Building Sewer.
- 3.14 Riser. Where the Public Sewer is more than 12 feet deep measured from established street grade, a riser shall be constructed on the Public Sewer using methods and materials approved by the Administrator.
- 3.15 Specifications and Inspection. All excavations, pipe laying, and backfill required for the installation of Building Sewers shall be done to conform to requirements and standards approved by the City. No backfill shall be placed until the work has been inspected and approved by the Connection Inspector. Cinders shall not be used as backfill.
- 3.16 Joints. All joints and connections shall be made gastight and watertight and meet the requirements of the Standard Specifications.
- 3.17 Sampling Manhole. All applicants which will be discharging non-Domestic Wastewater into the System shall construct and install a sampling manhole in a location, outside of any building or structure on the premises, which is accessible at all times by the Administrator who shall review and approve the plans and specifications for that manhole.

3.18 Connection Specifications. The connection of the Building Sewer to the Public Sewer shall be made at the wye or tee branch. If the property owner wishes to connect a Building Sewer to the Public Sewer and no wye or tee branch is available, the owner shall meet with the Administrator and, if required by the Administrator, with the City Commission. At this meeting, the parties will determine the exact location and method of cutting into the Sewer and materials to be used.

3.19 Storm Water Prohibited. No Person shall make connection of roof down-spouts, exterior footing or foundation drains, areaway drains, Storm Drains, or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to any Public Sewer.

3.20 Compliance with Codes. Connection of the Building Sewer to the Public Sewer shall conform to requirements of the Standard Specifications, building and plumbing codes, and applicable rules and regulations of the City or appropriate specifications of the A.S.T.M., the W.P.C.F. Manual of Practice No. 9 and the Ten State Standards. Any deviation from the prescribed procedures and materials must be approved by the City Commission.

3.21 Safety Measures. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Administrator at the expense of the owner.

3.22 Notification for Inspection. The applicant for the Building Sewer permit shall notify the Connection Inspector when the Building Sewer is ready for connection with the Public Sewer. The connection shall be made under the supervision of the Connection Inspector.

3.23 Capacity Available Downstream. Connections will not be permitted if there is inadequate capacity available in the downstream portions of the Public Sewer or at the Sewage Treatment Plant.

3.24 Maintenance. The owner of the property which is served by the System shall, at their own expense, maintain, clean and repair the Building Drain and the entire Building Sewer. The City shall have no responsibility of any sort for the Building Sewer or the Building Drain. The City's obligation to clean sewer lines extends only to the Public Sewer main which collects and transmits the Sewage of various properties served by the System. The City shall have no responsibility to clean the Building Sewer, any private sewer lines or lateral lines.

#### ARTICLE IV: USE OF THE PUBLIC SEWER

4.1 Surface Storm and Cooling Water Prohibited. No Person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling waters into any Public Sewer.

4.2 Proper Storm Water Disposal. Storm water and all other unpolluted drainage shall be discharged to the ground surface, or to a natural outlet approved by the State.

4.3 Prohibited Discharges. Except as provided by more specific limits stated in this ordinance, no Person shall discharge or cause to be discharged any of the following to any Public Sewers:

- (a) BOD5 in excess of 300 mg/l.

- (b) COD in excess of 450 mg/l.
- (c) Chlorine Demand in excess of 15 mg/l.
- (d) Any explosive liquid, solid, or gas including, but not limited to, any benzene, naphtha, fuel oil, or other flammable material, and including, but not limited to, any substance which results in Sewage having a closed air flashpoint of less than 140°F or 60°C.
- (e) Pollutants having a corrosive property capable of causing damage to the structures, equipment or employees of the sanitary sewer system, including but not limited to wastewater with a pH less than the limit set forth in subsection (n) below.
- (f) Any Garbage which is not Properly Shredded.
- (g) Grease, oils, wax, fats, or any other substances that will solidify or become viscous in the Sewer at temperatures between 32°F and 150°F.
- (h) Inert Suspended Solids, such as but not limited to fuller's earth, lime slurries and lime residues, or dissolved solids, such as but not limited to sodium chloride and sodium sulfate, in unusual concentrations; or any material which can be disposed of as trash.
- (i) Substances which tend to settle out in the Sewer, causing stoppage or obstruction to flow.
- (j) Liquids which are corrosive.
- (k) Garbage with particles greater than one-half inch in dimension.
- (l) Insoluble, solid, or viscous substances such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, paunch manure or any substance which can be disposed of in the trash.
- (m) Any noxious or malodorous gas or substance capable of creating a public Nuisance.
- (n) Substances having a pH less than 6.5 and greater than 9.0.
- (o) All toxic, poisonous or radioactive wastes exceeding limits established by applicable State and federal regulations.
- (p) Any substance harmful to pipes, jointing material, and manholes.
- (q) Any live animals or fish.
- (r) Suspended Solids in excess of 350 mg/l.
- (s) Wastes having a temperature less than 32°F or greater than 150°F.
- (t) Any substance which could cause any blockage of any pipes or could cause an Interference.
- (u) Any Holding Tank wastes except as approved by the Administrator in accordance with policies of the City and only at such places in the System as may be designated by and after the sampling and analysis required by such policies.



- (v) Color, as from, but not limited to, dyes, inks, and vegetable tanning solutions, if they interfere with light absorbency or analytical determinations.
- (w) Discharges resulting in excess foaming during treatment.
- (x) Anti-freeze, motor oil, brake fluid, transmission fluid, hydraulic fluid, cleaning solvents, oil-based paint, and paint thinners.
- (y) Any discharge violating any order of the Administrator, any permit requirement, or any order of an agency or court of competent jurisdiction.

#### 4.4 Industrial Cost Recovery.

(a) Applicability. Any non-governmental non-Domestic User of the System which discharges more than the equivalent of 25,000 gpd of non-Domestic Wastewater into the System and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A. Agricultural, Forestry and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

including (i) any discharger listed in those divisions with a volume exceeding 25,000 gpd or the weight of BOD or Suspended Solids equivalent to the weight of BOD or SS normally found in 25,000 gpd of Domestic Waste; (ii) any User discharging into the System any substance in a quantity which either singly or by interaction with other wastes, causes an Interference, a Nuisance, or a hazard to any Person or animal.

(b) Payment. All such Users shall be required to repay that portion of federal grant monies proportional to their use of the Sewage Treatment Plant according to "The Federal Water Pollution Control Act Amendments of 1972," PL92-500, and 40 CFR § 35.928. The period of repayment shall be for the design life of the Sewage Treatment Plant or 30 years, whichever is less. If any such User may contribute ten percent or more of any one design parameter that is flow, BOD, or SS, a letter of intent to use the Sewage Treatment Plant shall be required. Those Users contributing less than ten percent will not be required to submit a letter of intent but shall be subject to an industrial cost recovery charge. Such Users shall construct a sampling control manhole for the purpose of measuring the amount of and determining the type of non-Domestic Wastewater introduced to the Sewage Treatment Plant by the User. As a result of the flow measuring and sampling, the City may require the non-Domestic Wastewater to be pretreated prior to introduction to the Public Sewer. If for any reason such a User should cease operation during the cost recovery period, it will not be held responsible for cost recovery payments. The capacity formerly utilized by that User shall become available for increases in loading or for new industrial Users. The removal of a User from the cost

recovery system shall not in any way affect the industrial cost recovery charge for any other User.

4.5 Non-Complying Discharges. If any Sewage or substances are discharged, or are proposed to be discharged to the Public Sewers in violation of Subsection 4.3 of this ordinance, and which in the judgment of the Administrator may have a deleterious effect upon the System, its processes, its effluent, or the receiving waters, or which might otherwise be hazardous or constitute a public Nuisance, the Administrator may:

- (a) Reject the Sewage or other substances.
- (b) Require pre-treatment to an acceptable condition for discharge to the Public Sewers.
- (c) Require control over the quantities and rates of discharge into the Public Sewers.
- (d) Require payment to cover the added cost of handling and treating the Sewage or other substances as provided in this Section.

If the Administrator permits the pre-treatment or equalization of Sewage flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Administrator, and subject to the requirements of all applicable laws, rules, regulations, orders, directives, and permit requirements.

4.6 Pre-Treatment Facilities. Where pre-treatment or flow equalizing facilities are provided on a User's premises, they shall be constructed, installed, operated, repaired, and maintained continuously in satisfactory and effective operation, by the owner at the owner's expense.

4.7 Special Arrangements. Nothing in this ordinance shall prevent any special agreement or arrangement between the City and any non-Domestic User whereby a non-Domestic Wastewater of unusual strength or character may be accepted in the System for treatment, subject to payment therefore, by the non-Domestic User.

4.8 Arrangements With Other Municipalities. Nothing in this ordinance shall prevent any agreement or arrangement between the City and any municipality whereby Sewage from the other municipality may be accepted in the System for treatment, subject to payment by the municipality.

#### ARTICLE V: ADMINISTRATION, ENFORCEMENT AND FINES

5.1 Entry and Damage Prohibited. No Person, without prior written authorization, shall break, damage, destroy, uncover, deface, tamper with, climb upon or enter into any line, main, pipe, manhole, pump, lift station, plant, building, structure, equipment, facility, improvement or appurtenance belonging to or part of the System.

5.2 Use Conditional. Use of the System and any discharge into any Public Sewer is conditional upon compliance with this ordinance including, without limitation, the payment of all rates, fees and charges for such use and the compliance with all orders, directives, permit requirements and requests for information pursuant to this ordinance. Users of the System are required to comply with all such orders, directives, permit requirements and information requests issued or made pursuant to this ordinance.

5.3 Remedies Cumulative. All remedies provided in this ordinance, including, without limitation, those in Articles V and VI, are cumulative of each other and of any other remedies available at law or in equity.

5.4 Notification Required. Any owner, occupant or operator of any premises or other Person who knows or has reason to know a discharge into the System or any Public Sewer within the System has occurred or is going to occur in violation of Article IV of this ordinance shall immediately notify the Administrator or, if the Administrator cannot be contacted, any other City official, of the time, source, quantity and characteristics, including any offending characteristics, of that discharge. Such notification shall include any corrective actions which have been taken. Such notification shall be followed, within 24 hours, with a written report providing updated information fully disclosing all the above information in addition to a detailed description of how the violation occurred.

5.5 Sampling. The Administrator may sample or cause to be sampled at such times and frequencies as the Administrator may deem appropriate the Sewage of any User. If a violation is found after analyses, the violating User shall reimburse the System the cost of any such sampling and analyses. Non-Domestic Users shall be obligated to reimburse the System the cost of any sampling and analyses completed two times each calendar year regardless of whether or not any violation is detected. Such costs may be added to the regular billing for System services or invoiced separately in the discretion of the City.

5.6 Public Nuisances *Per Se*. A violation of this ordinance is declared to be a public Nuisance *per se* for which the City may avail itself of any remedies available at law or in equity.

5.7 Costs. Any Person violating any provision of this ordinance shall, in addition to any other fines or consequences, reimburse the City for any costs either or both of them incur to investigate and prosecute that violation, to remedy or repair any damage to the System as a result of such violation, to pay any fines or penalties incurred by either of them as a result of any violation (such as a resulting violation in an NPDES Permit), to better assure such violations or damages do not recur, to compensate any persons injured or to pay for any damage to property (including natural resources) damaged as a result of any violation and for any other costs either of them incurs as a result of any violation. Costs may include without limitation, engineering and consultant fees, sampling and analytical fees, legal fees, personnel costs, costs for replacing Systems equipment or components, fines or penalties paid to the MDEQ or other agency, equipment rental, and other costs.

5.8 Remedies and Cost Recovery.

(a) The City may obtain any remedy allowed by law for any violation of any discharge limitation, a pretreatment standard or requirement.

(b) Except as provided in Section 5.9 below, a violation of this ordinance shall make the violator, including without limitation the owner of the property in violation or on which the violation occurs, liable for a civil fine up to \$1,000, or other amount allowed by law for each violation of any pretreatment standard or requirement. The following rules apply to violations:

(1) Each day that a violation continues shall constitute a separate offense.

- (2) Each substance or quantity discharged into the System in violation of Article IV of this ordinance shall constitute a separate offense.
- (3) A separate violation occurs for each pollutant that exceeds an applicable discharge limitation or pretreatment standard.
- (4) If a User is in noncompliance with any discharge limitation or pretreatment standard that is a monthly average, 30-day average, 7-day average or other daily average, then the User has one violation on each day of the averaging period.
- (5) If for any period a User has violated both a maximum and an average discharge limitation or pretreatment standard for a particular pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated and the days in the averaging period.
- (6) One violation occurs on:
- (A) Each day that a report is late; and
  - (B) Each day after an action required to be completed is not completed.
- (c) Making a false statement or certification in any application, record, report, plan or other document, or making a monitoring device or method inaccurate, may result in punishment under the criminal laws of the State or the United States, in addition to civil relief.
- (d) If a User's discharge results in a deposit, an obstruction, damage or an impairment in the sanitary sewer system, then the User shall be liable to the City for the costs of cleaning, repairing or replacing the affected components.
- (e) In any enforcement action, the City may recover from the User subject to the enforcement action the City's costs or sampling, analysis, other surveillance measures and time devoted to the action by the Administrator, City Attorney or other personnel.
- (f) A User shall be liable to the City for fine or costs or other liability imposed upon the City if:
- (1) The User has violated any discharge limitation or pretreatment standard or requirement.
  - (2) The User's violation has caused the City to violate any requirement to which it is subject or increased the magnitude or duration of a violation or resulted in the City's incurring any other liability.
  - (3) An enforcement action against the City by the DNR, the EPA or any other Person resulted in the penalty or other liability being imposed upon the City.
- (g) In addition to any other rates, fees, charges, fines, penalties or other costs, a User shall be responsible for any additional costs incurred by the City as a result of the User's violation of this Section, including without limitation expenses for additional monitoring, sampling or analysis, expenses for additional investigation, costs for additional reports, costs for storing, dumping or treating discharges, costs of damage to or loss of the treatment works or natural resources, fines and penalties. The User shall be notified of

all such charges and shall pay them within 30 days of notification. Failure to pay shall be a violation of this Section.

5.9 Misdemeanors.

(a) A Person who knowingly submits or prepares for submission to the City a false statement, representation, or certification is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.

(b) A Person who knowingly tampers with or alters a monitoring device or process (including, without limitation, a meter), causing inaccurate readings or results, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Each violation constitutes a separate and distinct offense.

5.10 Enforcement.

(a) This ordinance is enforceable by the City. An official charged with and authorized to enforce this ordinance may issue a citation or an appearance ticket to any Person who is reasonably believed to have violated any of these rules and regulations.

(b) The City shall exercise its enforcement powers against a violator within any municipality contracting with the City for service.

(c) A municipality may exercise its enforcement powers against a violator located in territory under its jurisdiction.

(d) Enforcement powers include the power to bring an action in a court of competent jurisdiction to enjoin the violation of this ordinance, to bring an action to recover actual damages sustained due to a violation of this ordinance and to be awarded costs and fees in those actions as provided in sections 2401 to 2461 of the Revised Judicature Act of 1961, 1961 P.A. 236, as amended.

5.11 Administrative Orders. The Administrator may, in case of any violation of the provisions of Article IV of this ordinance order the User to pre-treat its Sewage or to control the quantities and rates of its discharges to the Public Sewer. Such order shall be in writing and shall provide a date by which the necessary facilities are constructed, installed and put into operation. Users to which such an order is issued shall comply with the requirements of Section 4.5 of this ordinance pertaining to the application for and construction and installation of such facilities.

5.12 Termination of Service. In case a violation of any provision of this ordinance constitutes or results in an imminent threat to the public health or safety or an imminent violation of an NPDES Permit requirement, the Administrator may immediately, upon written notice to the User, terminate the User's use of the System. In other situations, service may be terminated after written notice and an opportunity for a hearing before the hearing panel. In addition to other remedies provided, the City shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of sewer bills when due, under the same procedures provided above.

5.13 Right of Entry. The Administrator, the Connection Inspector, the MDEQ, any agent of the City for any premises within the System's Service Area, shall have the right during any reasonable business hours to enter the premises of any User to inspect, observe, measure, sample

and test to assure compliance with this ordinance. Such persons shall provide identification upon the request of any property owner or occupant.

5.14 Authorized Officials. The Administrator, the Connection Inspector and any officer of the City are designated as City officials authorized to issue municipal civil infraction citations and municipal civil infraction notices as provided in this ordinance and State law.

5.15 Appeals.

(a) Any Person aggrieved by an action of the Administrator or the Connection Inspector pursuant to this ordinance may appeal in writing to the City Commission. The City Commission shall at its next regular meeting either decide to itself hear the appeal as the appeal panel or appoint a separate appeal panel of not less than three persons who may be City officers or employees (provided they are not subordinates to the official from whom the appeal was made), consultants, engineers, attorneys or others and need not be City residents.

(b) The written appeal shall state with specificity the issue being appealed, the basis for the appeal, the supporting facts for the appeal, the supporting legal basis, if any, for the appeal, the relief sought and any other information deemed relevant to the appeal and shall have attached all supporting documents.

(c) The appeal panel shall provide the appellant and the official from whom the appeal was made notice of the time and place for a hearing on the appeal which shall not be more than sixty (60) days after the appeal was filed and of the rules and procedures to be followed at the hearing. The hearing may be informal and need not follow any formal rules of evidence.

(d) The appeal panel shall within 30 days after the hearing and any time after the hearing allowed for the filing of supplemental information, render its decision in writing. It may affirm the decision of the official from whom the appeal was made, reverse that decision or modify the decision. It may also condition its decision with terms the appeal panel deems necessary to assure the protection of the public health, safety and welfare, and the protection of the System.

(e) If the appellant does not prevail in the appeal, the appeal panel may order the appellant to pay all costs incurred by the City as a result of the appeal.

(f) The decision of the hearing panel shall be final.

## ARTICLE VI: RATES, FEES AND CHARGES

6.1 Rationale. It is recognized that use of the System requires payment of costs of providing the services of the System. Such costs include not only the day-to-day operation and maintenance costs, but also the costs incurred to construct and install the System components, the cost to undertake reasonably foreseeable repairs and replacement, etc. When the System components were designed and constructed, they necessarily needed to be sized to accommodate all foreseeably possible usage of the System from a premises and so the System is available to accommodate such reasonably foreseeable usage. Accordingly, certain charges are imposed regardless of actual usage while other charges recognize that those who actually make more use of the System should pay more.

6.2 Resolution Establishing. The rates, fees and charges for permits issued pursuant to this ordinance, and for connection to and use of the System shall be in such amounts as are established from time to time by resolution of the City Commission.

(a) Such rates, fees and charges shall be established in amounts sufficient to pay all costs of the operation, maintenance and repair of the System and any amounts required to be paid or maintained under the terms of any bonds or other obligations of indebtedness of the System, including without limitation, a fund balance reasonably anticipated to be sufficient to fund reasonably anticipated equipment replacement and emergency repairs of the System.

(b) Such rates, fees and charges may, in the discretion of the City Commission include the following in such amounts or at such rates as determined by the City Commission:

(1) Permit fees in amounts as are reasonably determined to cover the costs of permit issuance, inspection and enforcement.

(2) Connection fees in amounts reasonable determined to be sufficient to pay some of the capital and/or debt retirement costs of the System.

(3) Readiness to serve charges or debt service charges based upon residential equivalent units, meter size or other methodology as determined by the City Commission in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

(4) Commodity or usage charges in amounts reasonably determined to be sufficient to pay some of the capital and/or debt retirement costs of the System and/or all or a portion of the operation, maintenance, repair and replacement costs of the System.

(5) Special rates, fees and charges in amounts and on such basis as is reasonably determined to be sufficient to pay the costs of special services.

(c) At least annually the City Commission shall review the rates, fees and charges and adjust them as necessary to meet the requirements of this Section 6.2.

(d) No free service shall be furnished by the System to any Person, firm or corporation, public or private, or to any public agency or instrumentality.

### 6.3 Billing and Collection.

(a) When System rates, fees and charges are not timely paid, it is necessary to re-bill, to undertake other procedures required by this Section, to prepare separate notices and accountings and undertake other tasks that are not needed if they are timely paid. In addition, the other System Users essentially subsidize the non-paying or late paying User's use of the System. The System is not established, operated or well-adapted to provide financing services for its Users. Accordingly, charges are made to compensate the System for the costs incurred due to untimely payments.

(b) Bills will be rendered at such intervals as are determined from time to time by resolution of the City Commission, but not less frequently than quarterly.

- (c) Bills shall be due and payable without interest or late fee at such time after billing as is stated on the bill, provided not less than fifteen (15) days shall be given for such payment after the billing date.
- (d) Bills not paid by the due date shall bear interest at such rate and be subject to a rebilling fee as determined by the City Commission.
- (e) Service, installation, inspection, use and material rates, fees and charges, including late fees and interest due thereon, shall constitute a lien on the premises served from the date of such service, unless the City is served with written notice that a tenant is responsible for such charges. The City official or officials in charge of the collection shall annually, not later than September 1 of each year, certify to the tax assessing officer of the City the fact and the amount of the delinquency in payment for sewer services to the property. Such lien shall have the same priority and shall be collectible in the same manner as delinquent ad valorem real property taxes. If the City is provided with notice in writing, including a copy of the lease of the affected premises, that a tenant is responsible for the sewer charge, the City Commission may require as a condition to rendering sewer services to such premises a cash deposit equal to service charges at current rates for three months (one quarter) as security for the payment of service charges.
- (f) In addition to the other methods of collection and enforcement provided in this Section or in law or at equity, the City may, after notice of its intention to do so and of the opportunity for a hearing to show cause what it should not occur, have the right to shut-off sewer service to any premises for which rates, fees and charges for sewer service are not paid by the due date, and such service shall not be re-established until all delinquent charges, interest, penalties and a turn-on charge, to be specified by the City, have been paid.
- (g) In addition to the other methods of collection and enforcement provided in this Section or in law or at equity, the City shall have the option of collecting all rates, fees, charges, interest and late fees due pursuant to this ordinance by legal proceedings in a court of competent jurisdiction.

## ARTICLE VII: MISCELLANEOUS

### 7.1 Interpretation.

- (a) To the extent a provision of this ordinance or portion thereof violates any provision of applicable State law, the provision of State law shall control. To the extent any provision of this ordinance is not specifically authorized by applicable State law but does not violate it or other applicable laws, rules or regulations, such provision shall remain in effect.
- (b) The captions in this ordinance are included only for ease of reference and are not to affect their interpretation.

7.2 Severability. 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.



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

#### ARTICLE VIII: REPEAL AND EFFECTIVE DATE

8.1 Repeal. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. Without limiting the generality of the foregoing, the following ordinances are specifically repealed.

Chapter 13 of the Code of Ordinances of the Village of Grant, as it was from time to time amended.

Ordinance No. 10, adopted on August 18, 1958, entitled “An Ordinance to Provide for the Construction of a Sewage Disposal System, Consisting of a Sewage Treatment Plant and Necessary Sewers and Appurtenances and Attachments Thereto, authorizing and Providing for the Issuance of Revenue Bonds for the Purpose of Paying Part of the Cost Thereof; Providing for the Fixing, Collection, Segregation and Disposition of the Revenues of the Sewage Disposal System and Payment of Said Bonds out of the Revenues Thereof; and Creating a Statutory Lien on Such Revenues” as it was amended from time to time.

Ordinance No. 11, adopted on December 12, 1958, entitled “An Ordinance to Provide for the Construction of a Sewage Disposal System, Consisting of a Sewage Treatment Plant and Necessary Sewers and Appurtenances and Attachments Thereto, authorizing and Providing for the Issuance of Revenue Bonds for the Purpose of Paying Part of the Cost Thereof; Providing for the Fixing, Collection, Segregation and Disposition of the Revenues of the Sewage Disposal System and Payment of Said Bonds out of the Revenues Thereof; and Creating a Statutory Lien on Such Revenues” as it was amended from time to time.

Ordinance No. 12, adopted January 12, 1959, amending Ordinance No. 10 as amended by Ordinance No. 11.

Ordinance No. 4, entitled “An Ordinance to Amend Section 1, 2, 3, 4, 5, 18, 20, and 21 of Ordinance No. 11, Duly Adopted by the Village Council of the Village of Grant on Dec. 12, 1958.”

Ordinance No. 5, entitled “An Ordinance to Amend Section 2 and 3 of Ordinance No. 11, Adopted by the Village Council of the Village of Grant on Dec. 12, 1958, as Amended.”

Ordinance No. 7, entitled “An Ordinance Amending Ordinance No. 10 of the Village of Grant Duly Adopted August 18, 1958, As Amended by Ordinance No. 11 Duly Adopted December 12, 1958, and As Amended by Ordinance No. 12, Duly Adopted January 12, 1959.”

Ordinance No. 8, entitled “An Ordinance Amending the Code of Ordinances of the Village of Grant Adopted January 9, 1950, As Amended, By Amending Section 34 of And Adding A Section Designated 3 to Chapter 13 of Said Code of Ordinances, Which Chapter Relative to Sewage Disposal and The Use of Public Sewers, Was Duly Adopted on August 4, 1958.”

Ordinance No. 9, entitled "An Ordinance Amending Section 9 of Ordinance No. 10 of the Village of Grant Duly Adopted August 18, 1958."

Ordinance No. 16, adopted June 3, 1974, amending the ordinance regulating the city sewer system.

Ordinance No. 32, adopted September 12, 1983.

Ordinance No. 39, adopted June 10, 1996, entitled "An Ordinance Amending a Certain Section of the Code of the City of Grant," further stating it is amending section 9 of Ordinance No. 9, and as amended July 20, 1992.

Ordinance No. 39-1, adopted June 10, 1996, entitled "An Ordinance Amending a Certain Section of Ordinance No. 39."

Ordinance No. 40, adopted June 10, 1996, entitled "An Ordinance Amending a Certain Section of the Code of the City of Grant," and further stating that it is amending Ordinance No. 16 dated June 3, 1974.

Ordinance No. 40-1, adopted June 10, 1996, entitled "An Ordinance Amending a Certain Section of Ordinance NO. 40."

8.2 Effective Date. This ordinance shall take effect upon publication as provided by the Grant City Charter.

CERTIFICATION

Commissioner \_\_\_\_\_ moved the adoption of the foregoing ordinance, which was seconded by \_\_\_\_\_, and thereupon adopted by the City of Grant at a regular meeting held this \_\_\_\_\_ 2008.

As the duly appointed and acting city clerk, I certify this is a true and complete copy of an ordinance adopted by the City Commission of the City of Grant in accordance with the City Charter of the City of Grant at a duly noticed meeting held on \_\_\_\_\_, 2008.

Date: \_\_\_\_\_, 2008

\_\_\_\_\_  
Sherry Powell, Clerk

Introduced: \_\_\_\_\_, 2008  
\_\_\_\_\_

Adopted: \_\_\_\_\_, 2008      Terry Fett, Mayor

Summary published: \_\_\_\_\_, 2008

Effective: \_\_\_\_\_, 2008