

## 2014 STANNARD TOWNSHIP SEWER ORDINANCE

### PURPOSE AND POLICY:

The general objectives of this Ordinance are:

1. Establish Stannard Township's authority and control of all sewage disposal systems within Stannard Township, public and private.
2. Require connection to available public systems.
3. Prevent introduction of pollutants into any sewage disposal system and/or into any receiving waters and/or ground water, and/or the atmosphere.
4. Provide for equitable distribution of costs; establish rates and procedures for collection thereof.

### SCOPE:

This Ordinance shall apply to all sewage and/or wastewater disposal within Stannard Township and to all treatment systems public and private, within Stannard Township.

### DEFINITIONS

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C, expressed in milligrams per liter.

BUILDING DRAIN shall mean 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 the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

DELINQUENT shall mean monies and fees owed to the Township, under this Ordinance, which remain unpaid 30 days after the due date.

EQUIVALENT DOMESTIC USER (EDU) shall mean the estimated average volume and strength of a typical residence in the Township connected to the system.

ENVIRONMENTAL PROTECTION AGENCY or E.P.A. shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of the agency.

INTERFERENCE shall mean the inhibition or disruption of the P.O.T.W. treatment processes operations which contribute to the violation of any requirement or N.P.D.E.S. permit. The term includes prevention of sewage sludge use or disposal by the P.O.-T.W. in accordance with 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (S.W.D.A.), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of S.W.D.A., being 42 U.S.C. §§ 6941 *et seq.*) applicable to other method of disposal or use employed by the P.O.T.W.

NORMAL DOMESTIC STRENGTH WASTE shall mean a liquid waste that is generated by a typical residence with the assumed concentrations of 200 mg/l BOD and 240 mg/l suspended solids.

NPDES PERMIT (National Pollutant Discharge Elimination System Permit) shall mean 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.

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

PUBLIC SEWER shall mean a common sewer controlled by a governmental agency or public utility.

PUBLICLY OWNED TREATMENT WORKS (P.O.T.W.) shall mean a treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292). This definition includes any sewers that convey wastewater to the P.O.T.W. treatment plant, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment. For the purposes of this Ordinance, P.O.T.W. shall also include any sewers that convey wastewaters to the P.O.T.W. from persons outside Stannard Township who are, by contract or agreement with (local unit), users of Stannard Township P.O.T.W.

RESIDENTIAL USER shall mean the wastewater produced from a building that is solely used for one single family residential purpose.

SANITARY SEWAGE (also NORMAL DOMESTIC STRENGTH WASTE) shall mean any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities.

STORM DRAIN (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS shall mean total suspended matter that either floats on the surface of, or is in the 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 and referred to as nonfilterable residue.

WASTEWATER shall mean the spent water of a community including sanitary sewage and it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

REGULATION:

It shall be unlawful, as a violation of this Ordinance, for any person/entity to deposit and/or permit to be deposited in any unsanitary manner on public or private property any sewage, from any source.

Within the Township, it shall be unlawful to discharge any wastewater and/or polluted water except to an approved treatment system.

All facilities equipped or likely to be equipped for human occupancy are hereby required to be equipped with toilet facilities and adequate facilities for the collection and treatment of sewage.

PRIVATE SEWAGE/WASTEWATER:

Where a public sewer system is not available, all sewage and wastewater shall be connected to a private sewage disposal system complying with all current requirements of the State Board of Health.

The property owner of a private sewage disposal system shall operate the system in all respects in compliance with all State laws and regulations relating to such systems and/or discharges.

Any violation of said requirements, laws and/or regulations shall be a violation of this Ordinance for which the property owner(s) according to the Ontonagon County Register of Deeds records, shall be responsible.

Not more than three (3) months after sewer has or becomes available to a property, as provided herein; a direct connection shall be made by the property owner to the public sewer. Such connections shall be made in compliance with the requirements hereof. Any existing

sewage disposal systems shall be disconnected and abandoned and filled with suitable material as specified by Stannard Township.

Availability of Public Sewer. As used herein, public sewer is “available” if the structure or facility or utility from which the sewage and/or wastewater emanates is within 200 feet of a point of connection with the public system. Connection shall not be excused because lift pumps, grinders and/or pretreatment are required.

The expenses of connecting shall be paid by the property owner. The property owner shall also be responsible for the cost of acquisition, installation and operation of any pumps, grinders, or pretreatment systems required.

The property owner shall be responsible for the routine payment of sewer rate charges beginning the earlier of connection to the public system, or three (3) months after public sewer has become available as provided herein.

In addition to imposing rates and charges and collection thereof, the Township may file an action to compel hook-up in the Circuit Court. The Township may join any number of owners in same suit to compel each to connect to the sewer system forthwith.

No provision of this Section shall be construed to interfere with, or supersede, or negate any requirements that may be imposed by the State of Michigan.

**OPERATION: Public Sewer System:**

The ownership, operation, maintenance, replacement, expansion and/or reduction of the public sewer system shall be in/under the control and authority of the Township of Stannard. The Township Board shall annually authorize the person responsible for routine management decisions regarding the sewer system operation and emergency repairs under \$500. The Township may employ persons and/or entities as it deems advisable to manage the system. The Township may establish rules, orders and regulations as it deems advisable from time to time for the management of the system.

The Township of Stannard shall establish rates and charges for the public sewer system based on its budget. Therefore the established rates shall include, at a minimum, consideration of revenue generation as required to cover:

- Debt Service;
- Replacement;
- Depreciation;
- Improvements;
- Operations; Maintenance & Repair;
- Administration;
- Enforcement; and
- Expansion.

The Township shall set rates and charges in amounts sufficient to at least provide for same.

There shall be NO free sewer service. All owners shall pay rates and charges as required by this Ordinance.

Annually, by resolution during the month of March or any adjourned date therefrom, the Township shall establish rates and charges based on the following:

EDU: An Equivalent Domestic User is the estimated average volume and strength of a typical residence in the Township connected to the system. The Township from time to time shall consider all available data from all sources to establish an EDU and review the estimated volume of all users. Based thereon, EDUs or fractions thereof shall be assigned to each user, residential, commercial and industrial. The Township shall establish a rate for each EDU after due consideration of the requirements specified herein. The minimum monthly fee shall be established based on no less than 1 EDU per user. The minimum commercial rate shall be 1.2 EDUs, all commercial rates greater than the minimum commercial rate shall be based on historical established rates and/or the Stannard Township EDU spreadsheet.

User Definition:

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|--|---|---------|
| 1. Residential, associated garage  | = | 1 user  |
| 2. Residential, associated common building   | = | 2 users |
| 3. Residential, associated with 2 <sup>nd</sup> living quarters  | = | 2 users |
| 4. Residential, associated separate building (garage, sauna)<br>with plumbing (bathroom), but no living quarters | = | 1 user  |

In addition to the EDU charge, the Township's resolution shall set rates for the following:

Readiness to Serve Charge: A monthly charge for every premises that by the terms hereof is required to be connected to the system but is NOT, and/or every premises connected to the system which is shut off/disconnected for any reason and/or every premises connected to the system that is vacant. The Readiness to Serve Charge shall be expressed in EDUs or fractions thereof, and set based on expected volume/strength if the premises was connected and/or occupied. The minimum readiness to serve charge shall be 1 EDU residential and 1.2 EDUs for commercial.

Habitable Structures: If a request is made in writing by the Owner and the property owner meets the following; the owner shall dig up, cap, and abandon the sewer service, if the structure has been retrofitted to be a garage or service building without plumbing, and no human is residing in the structure, that

structure meeting all these requirements shall not be levied a Readiness to Serve Charge.

Mobile Homes: Mobile Homes are not eligible to be deemed inhabitable because they can and shall be moved off the site if not hooked up to the sewer.

#### SURCHARGES:

A surcharge shall be imposed on the rate charged to users for the treatment of high strength waste. The surcharge shall be based on volume, strength, and character of the normal domestic sewage experienced by the Township of Stannard.

Special assessments or contracts may be executed with users which shall be coordinated with this chapter for the derivation of the rate to be used for the receiving of high strength waste, where the high strength wastes are of unusual strength or volume and the treatment facility is capable of handling the high strength waste.

Connection/Disconnection/Reconnection Charge: The Connection/Disconnection/Reconnection charge shall be a per event charge based on the time, effort, risk and material costs associated with the event based on standard established rates therefor and/or actual costs and shall be set by the Township Board.

Permit & Inspection Charges: The Permit & Inspection charges shall be established in the same amount for all permits and inspections based on average time, effort.

Late Payment Charges: Late Payment charges shall be established as reasonably calculated to provide incentive to users to make timely payment and to prevent accumulation of past due amounts. The late charge shall be a maximum of 10% of the annual bill.

Payment Deposits: Stannard Township may require payment deposits to be charged to any/all owners who have failed to timely pay for a period of more than six (6) months after the due date. The payment deposit shall be the equivalent of the last year's billings, including all charges.

Billing Due Date: The Township shall bill quarterly for reoccurring and past due rates and charges as established herein. The bill is to be generated during the 1<sup>st</sup> month of the quarter and is to be paid by the 15<sup>th</sup> of the month following the billing month, thereafter it is late and late payment charges shall be assessed. The bill is to be sent by the Township to the property owner at the property address unless the owner provides the Township with an alternative address. Failure to receive a bill does not excuse payment and/or enforcement, including disconnection and reconnection and/or payment deposit requirements as specified herein. Partial payments shall be applied to the most current quarter due. Example, arrears greater than one year go to tax roll.

Connection/Disconnection/Reconnection charges, permit and inspection charges and payment deposits are due on the date billed. Action to connect, reconnect, permit and/or inspect will not proceed without payment, service will not be reestablished without payment of established payment deposits.

Any consumer with public sewer service charges that remain unpaid for more than 180 days after the original payment due date shall be notified in writing that a disconnect of public sewer services will occur twenty (20) days after the date of such notification, unless all outstanding sewer service charges are paid in full to the Township.

All sewer charges for the use of service shall be a lien on all parcels served by the public sewer in the Township and are recognized to constitute such lien as permitted by MCL 141.101 et seq and all other applicable Michigan laws.

Whenever such charges against any piece of property shall be delinquent for six (6) months, or have a six (6) month or longer history of delinquency prior to the preparation of the upcoming tax roll, the official or officials in charge of the collection thereof shall certify to the tax assessing official of the Township the fact of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected as a lien thereof and enforced in the same manner as all taxes against such premises are collected and the lien thereof enforced. In addition to other remedies —provided, the Township, shall have the right to discontinue sewage disposal service to any premises for the non-payment of sewage disposal system rates and charges when due. If such rates and charges are not paid within one hundred eighty (180) days of original due date, the sewage disposal to such premises shall be discontinued. Sewage disposal services so discontinued shall not be restored until all sums then due and owing shall be paid, plus a reconnection charge.

#### BUILDING SEWERS AND CONNECTIONS

**(A) The provisions of this section shall apply to** each commercial, governmental, industrial, institutional, and residential user of the system.

(B) (1) No unauthorized person shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the governing body of Stannard Township. At the discretion of the Township, before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for the permit shall have executed unto Stannard Township and deposited with the Treasurer of Stannard Township a surety as required by the Township, conditioned that he or she will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under any ordinance of Stannard Township pertaining to the plumbing. This bond shall state that the person will indemnify and save harmless Stannard Township and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with plumbing or excavating for plumbing as

prescribed in this section. The bond shall remain in force and must be executed for a period of two (2) years except that on the expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to the expiration.

(2) There shall be 2 classes of building sewer permits: one for residential and commercial service, and the second for service to establishments producing industrial waste. In either case, the owner or his or her agent shall make application on a special form furnished by Stannard Township. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of Stannard Township. A sewer tap permit and inspection fee for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the Treasurer of Stannard Township, at the time the application is filed.

(3) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify Stannard Township from any loss or damage that may directly or indirectly be occasioned by the installation.

(4) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Township.

(5) The building sewer shall be constructed of Polyvinyl Chloride (P.V.C.) plastic pipe SDR-35 or SDR-26 per A.S.T.M. D-3034 with push-on joints conforming with A.S.T.M. D-1785 schedule 40, or other materials as specified by the Township from time to time.

(6) The size and slope of the building sewers shall be subject to the approval of Stannard Township but in no event shall the diameter be less than 6 inches. The slope of the 6-inch pipe shall be not less than  $\frac{1}{4}$  inch per foot, except as otherwise approved by the Township.

(7) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drains shall be lifted by approved artificial means and discharged by the Township. Property owner is responsible for costs of pumping equipment, operating and maintenance costs thereof.

(8) The applicant for the building sewer shall notify Stannard Township when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of Stannard Township.

(9) No sewer connection will be permitted unless there is capacity available in all downstream sewers, left stations, force mains and the sewage treatment plant, including capacity for treatment of B.O.D. and suspended solids.

(10) No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless the connection is approved by the approving authority for purposes of disposal of polluted surface drainage.

#### DISCHARGE REGULATIONS

(A) The provisions of this section shall apply to all users of the system.

(B) (1) *General discharge prohibitions.*

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance to all the users of a P.O. T.W.

(b) A user may not contribute the following substances to any P.O.T.W.:

- i. Any liquids, solids, or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the P.O.T.W. or to the operation of the P.O.T.W.. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol's, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which Stannard Township, the State, or EPA has notified the user is a fire hazard or a hazard to the system;
- ii. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with articles greater than ½ inch in dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- iii. Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the P.O.T.W.;

- iv. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the P.O.T.W. or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to §307(b)(2), being 33 U.S.C. § 137(a) of the Act;
- v. Any noxious or malodorous liquids, gasses, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance or repair;
- vi. Any substance which may cause the P.O.T.W.'s effluent or any other product of the P.O.T.W. such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the P.O.T.W. cause the P.O.T.W. to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 *et seq.*, The Clean Air Act, being 42 U.S.C. §§ 7401 *et seq.*, The Toxic Substances Control Act, being 15 U.S.C. §§ 2601 *et seq.*, or State criteria applicable to the sludge management method being used;
- vii. Any substance which will cause the P.O.T.W. to violate its NPDES and/or State disposal system permit or the receiving water quality standards;
- viii. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- ix. Any wastewater having a temperature which will inhibit biological activity in the P.O.T.W. treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the P.O.T.W. which exceeds 40°C (104°F) unless the P.O.T.W. treatment plant is designed to accommodate the temperature;
- x. Any pollutants, including oxygen demanding pollutants (BOD, and the like) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the P.O.T.W. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 times the average 24-hour concentration, quantities, or flow during normal operation;

- xi. Any wastewater containing any radioactive wastes or isotopes of the half life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations;
- xii. Any wastewater which causes a hazard to human life or creates a public nuisance;
- xiii. Any unpolluted water including, but not limited to, noncontact cooling water; and/or
- xiv. Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant. When the Township determines that a user(s) is contributing to the P.O.T.W., any of the above enumerated substances in the amounts as to interfere with the operation of the P.O.T.W., the Township shall:
  - a. Advise the user(s) of the impact of the contribution on the P.O.T.W.; and
  - b. Develop effluence limitation(s) for the user to correct the interference with the P.O.T.W.

(2) *Specific pollutant limitations.* No person shall discharge wastewater containing in excess of:

- (a) 3.0 mg/l arsenic;
- (b) 0.7 mg/l cadmium;
- (c) 4.5 mg/l copper;
- (d) 1.0 mg/l cyanide;
- (e) 1.5 mg/l lead;
- (f) 0.05 mg/l mercury;
- (g) 2.0 mg/l nickel;
- (h) 4.5 mg/l total chromium;
- (i) 10.0 mg/l zinc;
- (j) 0.2 mg/l total phenols;
- (k) 100 mg/l oil and grease;
- (l) 300 mg/l B.O.D.;
- (m) 350 mg/l suspended solids;
- (n) 20 mg/l total phosphorus;
- (o) 30 mg/l chlorine demand at 30-minute contact time;
- (p) 40 mg/l total kjeldahl nitrogen;
- (q) 0-40 degrees Celcius (32-104°F) temperature; and/or
- (r) 6.0-9.5 S.U.pH.

(3) *Federal pretreatment standards.* Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall be considered part of this chapter. The Township shall notify all affected users of the applicable reporting requirements under 40 C.F.R. pt. 403.12.

(4) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(5) *Stannard Township's right of revision.* Stannard Township reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Ordinance.

(6) *Grease.* Grease, oil, and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients; except that the interceptors shall not be required for single-family or multiple-family dwelling units. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(7) *Special agreements.* No statement contained in this section shall be construed as preventing any special agreement between Stannard Township and any industrial concern whereby an industrial waste or usual strength or character may be accepted subject to payment therefor by the industrial concern, provided the agreement shall not violate N.P.D.E.S. requirements, National Categorical Pretreatment Standards, and provided user charges, and surcharges as provided in the ordinance are agreed to in the agreement.

(8) *Excessive discharge.* No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by Stannard Township.

## ENFORCEMENT

### Harmful Contributions.

Stannard Township may suspend the wastewater treatment service and/or a wastewater contribution permit when the suspension is necessary, in the opinion of Stannard Township in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes

interference to the P.O.T.W., or causes Stannard Township to violate any condition of its N.P.D.E.S. permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, Stannard Township, shall take the steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the P.O.T.W. system or endangerment to any individuals Stannard Township shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to Stannard Township within fifteen (15) days of the date of occurrence.

#### IDENTIFICATION, RIGHT OF ENTRY AND SAFETY:

Identification, Right to Enter Easements. Duly authorized agents of Stannard Township, bearing proper credentials with identifications, shall be permitted to enter all private properties through which Stannard Township has a duly negotiated easement for the purpose of installation, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, in any of the easement.

Right of Entry. Duly authorized agents of Stannard Township, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of investigations to determine compliance with the provisions of this Ordinance. They shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment.

#### DAMAGE OR TAMPERING WITH SEWAGE FACILITIES

Willful, Negligent or Malicious Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, public sewer or wastewater facilities.

#### VIOLATIONS AND PENALTIES

Written Notice of Violation. Any person found to be violating any provision of this Ordinance, except for a Willful, Negligent or Malicious Damage violation described previously, shall be served by Stannard Township with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The ceasing of

violation will not absolve the violator of liability for any violation occurring prior to such cessation.

Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as reasonably established by Stannard Township.

Penalty for Violations. Any person that shall violate this Ordinance, shall upon conviction thereof, be guilty of a civil infraction and punished by a civil fine of not to exceed \$500.00, together with necessary costs of prosecution incurred in bringing and maintaining the proceedings. In the event the person found violating the provisions of this Ordinance, has been convicted of one or more violations of this Ordinance within the immediately preceding 120 month period, then the subsequent violation of the provisions of this Ordinance shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, together with the necessary costs of prosecution incurred in bringing and maintaining the proceedings. Each day in which any continuing violation is continued beyond the aforementioned notice time limit shall be deemed a separate offense.

Liability for Losses. Any person violating any provision of this Ordinance shall be liable to Stannard Township for any expenses, loss or damage occasioned by reason of such violation which Stannard Township may suffer as a result thereof.

Enforcement Official. The Township Supervisor or the designee therefor is designated and authorized to undertake all actions necessary for the enforcement of this Ordinance.

#### ADMINISTRATIVE APPEALS – BOARD OF APPEALS

So provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of these sections, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Supervisor 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.

An informal hearing before the Township Supervisor may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty, penalty or action within ten (10) days after the date thereof, stating the reasons therefor with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Township Supervisor.

Appeals from orders of the Township Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (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 Township Supervisor and with the Board, specifying the ground therefor. Prior to a hearing, the Township Supervisor shall transmit to the Board a summary report of all previous actions 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.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same 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 said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board 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 question considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice to such persons as it deems to be interested in any hearing by the Board.

All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event 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.

Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the County of Ontonagon within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act being MCL 24.201 et seq. All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

VALIDITY

Repeal of Conflicting Ordinance. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

Invalidation Clause. Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

EFFECTIVE DATE

Effective Date. This Amended Ordinance shall take effect and be in force on and after the (publishing date) **13th day of June, 2014.**

ADOPTED this **12th day of May, 2014** at a regular meeting of the Stannard Township Board.

STANNARD TOWNSHIP,

By: Pamela Malnar

Its: Clerk

STATE OF MICHIGAN    )  
  ) ss  
COUNTY OF                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, Township Clerk.

\_\_\_\_\_  
\*  
Notary Public, \_\_\_\_\_,  
My Commission expires on: \_\_\_\_\_

Published: **June 13, 2014**  
Effective: **June 13, 2014**  
To County Clerk \_\_\_\_\_