

ORDINANCE NO. 34

At a regular meeting of the Township Board of the Township of Chikaming, Berrien County, Michigan, held at the Town Hall in said Township on the 9th day of November, 1978, at 7:00 o'clock P.M., Michigan Time.

PRESENT: Scheer, Abrahamsen, Sperry, Gibson, Sandtveit

ABSENT: None

It was moved by Abrahamsen and seconded by Sandtveit to adopt Ordinance No. 34 as follows:

ORDINANCE NO.

SEWER USE ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM KNOWN AS THE BERRIEN COUNTY SEWAGE DISPOSAL SYSTEM NO. 7 IN THE GALIEN RIVER SANITARY DISTRICT IN THIS TOWNSHIP; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE TOWNSHIP OF CHIKAMING, COUNTY OF BERRIEN, STATE OF MICHIGAN.

Section 1. Ordinance No. 34 is hereby approved and adopted as follows:

THE TOWNSHIP OF CHIKAMING ORDAINS:

ARTICLE I

Definitions

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

- Sec. 1. "B. O. D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in milligrams per liter.

2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sanitary sewer main, or other place of disposal, whether on public or private property.
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation cooking and dispensing of food, and from the handling, storage, and sale of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.
7. "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake or other body of surface or ground water.
8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
9. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
11. "Public Sewer" shall mean a sewer main located in a public street or right-of-way in which all owners of abutting properties have equal rights and is controlled by public authority and includes all sewers of System No. 7 in the District, but shall not include a building sewer or any connection thereto which serves only one building or owner.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage and specifically the treatment plant of System No. 7 in the Township of Chikaming.
15. "Sewage Works" shall mean all facilities for collecting pumping, treating, and disposing of sewage and includes all facilities of System No. 7.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Shall" is mandatory; "May" or "Should" are permissive.
18. "Slug" shall mean any discharge of water, sewage or industrial waste which is in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation.
19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. "Superintendent" shall mean the Joint Board of the District or its authorized deputy, agent, or representative.
21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
23. "Galien River Sanitary District, or District" shall mean that unit or district as established through contracts by and between Berrien County, Chikaming Township, New Buffalo Township, and the City of New Buffalo, dated as of October 13, 1971, as amended.

24. "Local units" shall mean one or more of the following governmental units: Chikaming Township, New Buffalo Township, City of New Buffalo.
25. "Berrien County Sewage Disposal System No. 7, System No. 7" shall mean the sewage disposal system established by the County of Berrien, pursuant to Act No. 185 of Michigan Public Acts of 1957, as amended, by contracts, dated as of January 8, 1976, as amended April 29, 1976, between the County and the Local units.

ARTICLE II

Use of Public Sewers Required

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the township or in any area under the jurisdiction of said township, any human excrement, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet or drain within the township or in any area under the jurisdiction of said township, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance or the requirements of law.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the District.
4. Structures in which sewage originates shall be connected to an available sanitary sewer in accordance with Township ordinances regulating such connections.
5. Any industry or structure discharging process flow to the sanitary sewer, storm drain or receiving stream shall file the material listed below with the Joint Board of the District.

The District may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental

problem to file the material listed below:

- (a) File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged, with its present or expected bacterial, physical, chemical, radioactive, or other pertinent characteristics of the wastes.
- (b) Provide a plan map of the building, works, or complex with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or ground waters noted, described, and the waste stream identified.
- (c) Sample test, and file reports with the District and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Joint Board.
- (d) Place waste treatment facilities, process facilities waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
- (e) Provide a report on raw materials entering the process or support systems, intermediate materials, final products, and waste by-products as those factors may affect waste control.
- (f) Maintain records and file reports on the final disposal of specific liquid, solid, sludges, oils, radioactive materials, solvents, or other wastes.
- (g) If any industrial process is to be altered so as to include or negate a process waste or potential waste written notification shall be given to the District and be subject to approval.

ARTICLE III

Private Sewage Disposal

- Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the regulations of the Berrien County Health Department.
- 2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection

shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned. The State Health Department, the Berrien County Health Department and the Township Board recommends that following the abandonment of the septic tank that it be filled with suitable material.

3. The owner shall operate and maintain any private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.
4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Berrien County Health Department.

ARTICLE IV

Building Sewers and Connections

- Sec. 1. No unauthorized and unlicensed person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District.
2. At the time application for a permit is made a fee of \$ 25.00 shall be paid.
 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
 4. A separate and independent building sewer shall be provided for every building.
 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Superintendent, to meet all requirements of this ordinance.

6. The size, slope, alignment, materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or applicable rules and regulations of the township. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A. S. T. M. and W. P. C. F. Manual of Practice No. 9 shall apply.
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the township, or the procedures set forth in appropriate specifications of the A. S. T. M. and the W. P. C. F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.
10. The applicant for the building sewer permit shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

ARTICLE V

Use of the Public Sewers and Rates and Liens

- Sec. 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof

runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state and county agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state or county agency, to a storm sewer or natural outlet.
3. Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - A. BOD in excess of 300 mg/l.
 - B. COD in excess of 450 mg/l.
 - C. Chlorine demand in excess of 15 mg/l.
 - D. Color, as from but not limited to dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbancy which would interfere with treatment plant processes or that prevent analytical determinations.
 - E. Explosive liquid, solid, or gas, gasoline, benzene, naphtha, fuel oil, or other flammable materials shall not be admitted.
 - F. Garbage not properly shredded (no particle size greater than 1/2 inch) shall not be allowed.
 - G. Grease, oils, wax, fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32°F and 150°F shall not be admitted to the sanitary sewer.
 - H. Industrial wastes in concentrations above limitations set forth by appropriate state agencies to comply with Federal Guidelines for protection of treatment plant and receiving water course shall not be allowed to enter sanitary sewers in sufficient quantity to impair the operation of the sewage treatment processes.
 - I. Inert suspended solids (such as but not limited to Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate) in unusual concentrations shall not be allowed.
 - J. Insoluble, solid, or viscous substances such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc., shall not be admitted to sanitary sewers.

- K. Noxious or malodorous gas, such as but not limited to Hydrogen Sulfide, Sulphur Dioxide, or Oxides of Nitrogen, and other substances capable of producing a public nuisance shall not be allowed.
 - L. pH less than 5.5 and greater than 9.5 shall not be allowed.
 - M. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations, shall not be allowed.
 - N. Suspended solids in excess of 350 mg/l.
 - O. Temperature of wastes less than 32°F and greater than 150°F shall not be allowed.
 - P. Waters or wastes containing substances, which are not amenable to treatment only, to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
4. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 3 of this Article, and which in the judgment of the District, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:
- A. Reject the wastes.
 - B. Require pre-treatment to an acceptable condition for discharge to the public sewers.
 - C. Require control over the quantities and rates of discharge.
 - D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provisions of Section 9, of this article.
5. If the District permits the pre-treatment or equilization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

Grease, oil, and sand interceptors shall be provided when, in the judgment of the District they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling

All interceptors shall be of a type and capacity approved by the District, and accessible for cleaning and inspection.

6. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
7. When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
8. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituent upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether grab sample or samples should be taken.
9. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern.
10. This Township is a party to a Sanitary Sewage Disposal System Agreement, dated October 13, 1971, and an Amendment To Sanitary Sewage Disposal System Agreement, dated August 10, 1978, among the City of New Buffalo, Township of Chikaming and Township of New Buffalo, as contracting parties, and a Second Amendment to Sanitary Sewage Disposal System Agreement, dated _____, 1978, in which the County of

Berrien has joined with the contracting parties. The Agreement and Amendments create the District and places the System under the operational control and management of the District. Exhibit "A" to the Second Amendment sets forth the rates, fees and charges to be imposed upon and collected from the users of the System and provides for review and changes of said rates, fees and charges from time to time and the automatic incorporation of all such current or changed user rates and charges in this Sewer Use Ordinance without formal amendment hereof. Said rates, fees and charges, from time to time in effect as provided in said Agreement and Amendments, are hereby approved and adopted and all users of the System in the District in this Township shall pay said rates, fees and charges for use of and connection to any public sewer available to a user as provided in this ordinance. Revision of rates and charges shall be done by the Township Board with an annual review thereof. No free service shall be furnished by the System to the Township or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Rates, fees and charges for services rendered by the District to the Twp. and shall be billed and collected quarterly from the Township, the first such rates, fees, and charges for each premises to be due and payable on the first day of the calendar quarter following by at least one month the date such premises are connected to the System and successive rates, fees and charges to be due and payable on the first day of each quarter annual period thereafter. Rates, fees and charges shall be billed at least one month before their due date.

11. If any rates, fees and charges are not paid on or before the due date then a penalty of 10% shall be added thereto and commencing ninety (90) days after said due date such rates, fees and charges including penalty shall draw interest at the rate of one per cent (1%) per month. In the event that the rates, fees and charges for any such services furnished to any premises shall not be paid within 120 days after the due date thereof, then all services furnished by the System may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus a shut-off charge of \$25.00 and a turn-on charge of \$25.00 respectively.
12. Rates, fees and charges for services furnished by the System to any premises shall be a lien thereon as of the due date thereof, and on September 1st of each year, the Township Clerk shall certify any such rates, fees and charges which have been delinquent one hundred twenty (120) days or more, plus penalties and interest accrued thereon, to the Township Supervisor or assessor who shall enter the same upon the next tax roll against the premises to which such services

shall have been rendered and such delinquent rates, fees and charges, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

ARTICLE VI

Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

ARTICLE VII

Powers and Authority of Inspectors

The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

ARTICLE VIII

Penalties and Enforcement

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this ordinance shall become liable to the Township for any expense, loss, or damage occasioned the System or District by reason of such violation.
4. The provisions of this ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus, superintending control, or otherwise, in any Court having jurisdiction. Any violation of this ordinance is deemed to be a nuisance per se.

ARTICLE IX

Validity and Citation

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
3. This ordinance shall be known and may be cited as the "Township of Chikaming Sewer Use Ordinance".

ARTICLE X


Ordinance in Force

- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- Sec. 2. All ordinances or parts thereof in conflict with this ordinance are hereby repealed, but only to the extent of such conflict.
- Sec. 3. Passed and adopted by the Township of Chikaming, County of Berrien, State of Michigan, on the 9th day of November 1978, by the following vote:

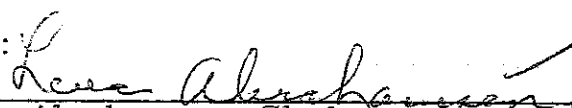
Ayes Scheer, Abrahamsen, Sperry, Gibson, Sandtveit

Nays: None

Approved and recorded this 9th day of November, 1978.

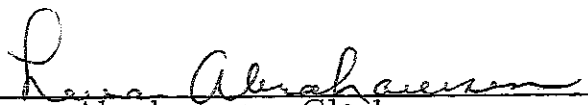

Dennis Scheer (Supervisor)

Attest:


Lena Abrahamsen, Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF BERRIEN)

I, the undersigned, Township Clerk of the Township of Chikaming, Berrien County, Michigan, do hereby certify that Ordinance No. 34 adopted by the Township Board of said Township on November 9, 1978, was recorded in full in the minutes of the meeting of said Township Board on said date and was signed by the Supervisor and Township Clerk.


Lena Abrahamsen, Clerk

Dated: November 10, 1978

STATE OF MICHIGAN)
) ss.
COUNTY OF BERRIEN)

I hereby certify that the foregoing is a true and complete copy of the minutes of a meeting of the Township of Chikaming held on the _____ day of _____, 1978, and that the said minutes are on file in the office of the Township Clerk and are available to the public.

I further certify that notice of the meeting was posted at least 18 hours before the meeting at the office of the Township Clerk, which is the principal office of the Township Clerk.


Lena Abrahamsen, Clerk

Dated: November 10, 1978