PERMANENT RECORD

VILLAGE OF PENTWATER
COUNTY OF OCEANA, STATE OF MICHIGAN

Ordinance No. 3 of 2022

ADOPTED: July 11, 2022

EFFECTIVE: July 31, 2022

AMENDMENTS TO CHAPTER 51 OF THE PENTWATER VILLAGE CODE

An ordinance to amend the Village of Pentwater, Michigan, Code of Ordinances, by amending Chapter 51; to protect the health, safety, and welfare of the citizens and residents of the Village of Pentwater; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE VILLAGE OF PENTWATER, OCEANA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment to Chapter 51. Chapter 51 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended in its entirety to hereafter provide as follows:

CHAPTER 51: SEWERS

Section

Sewage Disposal System; General Provisions
51.01 Definitions and abbreviations
51.02 Objectives of subchapter
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Sewage Disposal System; Rules and Regulations
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SEWAGE DISPOSAL SYSTEM; GENERAL PROVISIONS

§ 51.01 DEFINITIONS AND ABBREVIATIONS.

(A) Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, adopted as Pub. Law No. 92-500 in 1972, as amended by Pub. Law No. 95-217 in 1977, 33 U.S.C. §§ 1251 et. seq., and any succeeding amendments and any administrative rules promulgated thereunder, as amended or revised from time to time.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER. A representative of an industrial user who is:

(a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or

(c) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the discharge originates, or for environmental matters of the industrial user. Authorization for this representative must be submitted in writing to the village by the individual designated in divisions (a) or (b) above.

BACKWASH. The backwash or discharge water from any water conditioning device such as, but not limited to, an iron filter, water softener or related device using sodium chloride, potassium chloride or related material containing either sodium or chloride as the generate.

BIOCHEMICAL OXYGEN DEMAND or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C expressed in terms of weight and concentration (milligrams per liter).

BUILDING DRAIN. Part of the lowest horizontal piping of a drainage system which receives the drainage from waste or other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.

BUILDING SEWER. Extension from the building drain to the public sewer or other places of disposal, including pipe or conduit in the public street right-of-way or public easements which serves a particular user's property. BUILDING SEWER also includes pump stations and force mains installed to serve a property by lifting sewage to the public sewer.

BYPASS. Intentional diversion of waste streams from any portion of a user's treatment facility.

CAPITAL CONNECTION FEE. The fee charged to premises seeking access to the Sewage Disposal System, as described in § 51.29(C)(4).

CHEMICAL OXYGEN DEMAND or COD. A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, OXYGEN CONSUMED and DICHROMATE OXYGEN CONSUMED, respectively.

CHLORINE DEMAND. The difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

COMMODITY CHARGE. The charge imposed on users of the Sewage Disposal System as described in § 51.29(C)(1).

COMPATIBLE POLLUTANT. A substance amenable to treatment in the POTW such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the POTW was designated to treat the pollutants and in fact does remove the pollutant to a substantial degree. Examples of the additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

COMPOSITE SAMPLE. A collection of individual samples which are obtained at regular intervals, collected on a time-proportional and/or flow-proportional basis, over a period of not less than 24 hours and which provides a representative sample of the average stream during the sampling period. If the composite sample is collected on a flow-proportional basis, the sampling shall be taken utilizing a flow-proportional sampling device and flow meter approved by the village.

CONNECTION CHARGE. The charge imposed on each user connecting or reconnecting, directly or indirectly, to the Sewage Disposal System related to the installation of the connection and meter as determined by resolution of the Village Council and set forth in the Village Fee Schedule.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DEPARTMENT. The Village of Pentwater Department of Public Works.

DEPARTMENT OF ENVIRONMENT, GREAT LAKES & ENERGY or EGLE. The State of Michigan Department of Environment, Great Lakes & Energy, its Administrator or other duly authorized official.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the state.

DIRECTOR. The Director of the Department of Public Works or the Village Manager.

DISCHARGE. Any direct or indirect discharge of any waste, waste effluent, wastewater, pollutant or any combination into any of the waters of the state or upon the ground.

DRY WELL. An approved vessel or containment sized properly to handle backwash from any water conditioning device.

ENVIRONMENTAL PROTECTION AGENCY or EPA. The United States Environmental Protection Agency, its Administrator or other duly authorized official.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce. Also includes other solid waste such as wipes or diapers.

GRAB SAMPLE. A sample taken from a wastestream on a one-time basis without regard to the flow of the wastestream over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT. Any pollutant which is not a COMPATIBLE POLLUTANT.

INDIRECT DISCHARGE. The discharge or introduction of non-domestic pollutants into the Sewage Disposal System (including holding tank waste discharged into the Sewage Disposal System) from a non-domestic source.

INDUSTRIAL USER. A person who contributes, causes or permits the discharge of industrial waste into the Sewage Disposal System. Single-family and multi-family residential dwellings are specifically excluded.

INDUSTRIAL WASTE. The wastewater discharge from industrial, manufacturing, trade or business processes, or wastewater discharge from any structure with this characteristic, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

INTERFERENCE. A discharge, alone or in conjunction with a discharge or discharges from other sources, to which both of the following provisions apply:

(a) The discharge inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Pursuant to division (a) above, the discharge is a cause of a violation of any requirement of the village or the Act or the State Act, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder, or more stringent state or local regulations: § 405 of the Act, the Solid Waste Disposal Act, 42 U.S.C. §§ 2601 et seq., including Title II, more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act, the Clean Air Act, 42 U.S.C. §§ 7401 et seq., the Toxic Substance Control Act, 15 U.S.C. §§ 2601 et seq. and the Marine Protection Research and Sanctuaries Act, 33 U.S.C. §§ 1401 et seq.

NATIONAL CATEGORICAL PRETREATMENT STANDARD, CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 307(b) and (c) of the Act (22 U.S.C. § 1317) which applies to a specific category of industrial users and which appear in 40 C.F.R. Chapter I, Subchapter N.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307(b) of the Act and 40 C.F.R. § 403.5.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW SOURCE.

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants and for which construction commenced after the publication of

proposed pretreatment standards under § 307(c) of the Act will be applicable to the source if the standards are thereafter promulgated in accordance with § 307(c) of the Act, and if any of the following provisions apply:

1. The building, structure, facility or installation is constructed at a site at which no other source is located;
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater-generated processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. The extent to which the new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing facility should be considered in determining whether the process is substantially independent.

(b) Construction on a site at which an existing source is located which results in a modification that does not create a new building, structure, facility or installation meeting the criteria of divisions (a)2. or (a)3. above but otherwise alters, replaces or adds to existing process or production equipment.

(c) CONSTRUCTION OF A NEW SOURCE, as defined under this section, has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on-site construction program:
   a. Any placement, assembly or installation of facilities or equipment; or
   b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies, do not constitute a contractual obligation under this section.

NPDES PERMIT. A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342).

OBSTRUCTION. Any object of whatever nature which substantially impedes the flow of sewage from the point of origination to the public sewer. This shall include, but not be limited to, objects, sewage, tree roots, rocks and debris of any type.

OPERATION and MAINTENANCE. All work, materials, equipment, utilities, administration and other effort required to operate and maintain the Sewage Disposal System consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the village's NPDES permit and other applicable state and federal regulations.

ORDER. An order issued by the village in accordance with § 51.31.

OWNER. The owner or owners of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a building.

PASS THROUGH. A discharge that exits the Sewage Disposal System into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Act, the State Act or the NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, firm, company, association, society, corporation, joint stock company, trust, estate, governmental or any other legal entity, or its legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

pH. The logarithm (base 10) of the reciprocal concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT. Any of the following:

(a) Substances regulated by a National Categorical Pretreatment Standard, substances discharged to the POTW that are required to be monitored are limited in the POTW's permit or are identified in the POTW's permit application;

(b) Substances for which control measures are necessary to avoid worker health and safety problems in the POTW; and

(c) Various chemicals, substances and refuse materials such as sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

POLLUTION. The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful

state prior to or in lieu of discharging or otherwise introducing the pollutants into the Sewage Disposal System. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by 40 C.F.R. § 403.6(d), as amended.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment prior to introduction in the Sewage Disposal System, other than a pretreatment standard.

PRETREATMENT STANDARD. National prohibitive discharge standards, National Categorical Pretreatment Standards and local limits.

PRIVATE SEWER LINES. All service lines and equipment for the disposal of sewage installed or located on any property from the public sewer to, and including, any structure or facility which exists on the property.

PUBLIC SEWER. A sewer pipe, conduit, pump station or force main designed to convey sewage in which all owners of abutting properties have equal rights and is controlled by the village.

PUBLICLY OWNED TREATMENT WORKS or POTW. The TREATMENT WORKS as defined by § 212 of the Act (33 U.S.C. § 1292) which is owned and operated by the village and includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. The term also includes sewers that convey wastewaters to the POTW from persons outside the village who or which are, by contract or agreement with the village, users of the village's POTW.

READINESS-TO-SERVE CHARGE. The charge calculated on the basis of meter size in accordance with § 51.29(C)(2).

REPLACEMENT. The replacement in whole or in part of any equipment, appurtenances and accessories in the Sewage Disposal System to ensure continuous treatment of wastewater in accordance with the village's NPDES permit and other applicable state and federal regulations.

RESIDENTIAL USER. A user whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments or permanent multi-family dwellings.

SANITARY SEWER. A pipe or conduit which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEPTIC TANK. An underground tank in which waste matter is decomposed through bacterial action.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to a user's pretreatment facilities which causes them to be inoperable or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. SEVERE PROPERTY DAMAGE does not mean economic loss caused by delays in production.

SEWAGE or WASTEWATER. A combination of the liquid and water-carried wastes from residences, businesses and buildings, institutions and industrial establishments, together with the ground waters and surface waters as may be present, whether treated or untreated, which is contributed to or permitted to enter the Sewage Disposal System.

SEWAGE DISPOSAL SYSTEM. The complete Sewage Disposal System and publicly owned treatment works of the village, including all pumps, pump houses, sewage treatment facilities, sewers, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances thereto, including all easements, rights and land for the easements and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the Sewage Disposal System.

SEWER or SEWER LINE. Pipe or conduit for carrying wastewater.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the Sewage Disposal System who:

(a) Is subject to National Categorical Pretreatment Standards;

(b) Discharges an average of 25,000 gallons per day or more of wastewater to the Sewage Disposal System;

(c) Contributes a wastewater flow which makes up 5% or more of the average dry weather hydraulic or organic capacity of the Village's Sewage Disposal System; or

(d) Is found by the village, the Department of Environment, Great Lakes, and Energy or the EPA to have a reasonable potential for adversely affecting the Sewage Disposal System's operation or for violating any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE. One or more of the following:

(a) CHRONIC VIOLATION OF WASTEWATER DISCHARGE LIMIT defined as results of analyses in which 66% or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;

(b) TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS defined as results of analyses in which 33% or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit multiplied by the applicable TRC factor, or the product of the corresponding average

limit multiplied by the applicable TRC factor. (TRC factor equals 1.4 for BOD, fats, oil and grease and 1.2 for all other pollutants except pH);

(c) Any other violation of a daily maximum limit or an average limit that the village determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of Department personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare or the environment, or has resulted in the village exercising its emergency authority under the State Act or this subchapter to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a village-issued discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as, but not limited to, baseline monitoring reports, 90-day compliance reports and/or reports on compliance with compliance schedules;

(g) Failure to timely or accurately report noncompliance; or

(h) Any other violation or group of violations which the village determines may adversely affect operation or implementation of the village's pretreatment program or operation of the Sewage Disposal System.

SPLIT SAMPLE. An equal division of a representative sample between two parties for the purpose of separate and independent laboratory analysis by the two parties.

SLUG. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards described in § 51.25.

STATE. The State of Michigan.

STATE ACT. Michigan Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 et seq. the National Resources and Environmental Protection Act as amended, and any administrative rules promulgated thereunder, as amended or revised from time to time.

STORM SEWER. A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SURCHARGE. An extra charge that any user discharging wastewater having strength in excess of limits set forth by the village shall be required to pay as an additional charge to cover the actual cost of treating, sampling and testing the extra strength sewage.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOXIC POLLUTANT. Any pollutant or combination of pollutants, which is or can potentially be harmful to the public health or the environment including those listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of § 307(a) of the Act or other acts.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with National Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

USER. Any person who contributes, causes, or permits the contribution of wastewater, directly or indirectly, into the Sewage Disposal System.

VILLAGE. The Village of Pentwater, County of Oceana, State of Michigan.

VILLAGE TECHNICAL STANDARDS. The specifications for the design and construction of utilities and related improvements and components under the jurisdiction of the village, prepared by the village and on file with the Village Clerk, as the same may be in effect and amended from time to time.

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, mobile homes, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the Sewage Disposal System.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(B) Abbreviations. In addition to the foregoing terms, the following abbreviations, when used in this subchapter, shall have the meanings set forth below, except where the context clearly indicates a different meaning:

(1) BOD. Biochemical oxygen demand;
(2) C.F.R. Code of Federal Regulations;
(3) COD. Chemical oxygen demand;
(4) EGLE. Department of Environment, Great Lakes, and Energy (State of Michigan);
(5) EPA. Environmental Protection Agency;
(6) IBC. International Building Code, Michigan Edition;
(7) l. Liter;
(8) mg. Milligrams;
(9) mg/l. Milligrams per liter;
(10) NPDES. National Pollutant Discharge Elimination System;
(11) P. Phosphorous;
(12) POTW. Publicly Owned Treatment Works;
(13) SS. Suspended solids; and
(14) U.S.C. United States Code.

§ 51.02 OBJECTIVES OF SUBCHAPTER. The objectives of this subchapter are:

(A) Prevent the introduction of pollutants into the Sewage Disposal System which will interfere with the normal operation of the Sewage Disposal System or contaminate the resulting municipal sludge;

(B) Prevent the introduction of pollutants into the Sewage Disposal System which do not receive adequate treatment in the POTW and which will pass through the Sewage Disposal System into receiving waters or the atmosphere, or will otherwise be incompatible with the Sewage Disposal System;

(C) Improve the opportunity to recycle and reclaim wastewater and sludge from the Sewage Disposal System;

(D) Provide for equitable distribution of the cost of the Sewage Disposal System;

(E) Protect both the general public and Sewage Disposal System personnel who may be affected by wastewater and sludge in the course of their employment; and

(F) Enable the village to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Sewage Disposal System is subject.

§ 51.03 FINDINGS.

(A) Necessity for sewer service. The Village Council has previously found and currently reaffirms that the use of septic tanks, privies, privy vaults, cesspools or similar private sewage disposal facilities is deleterious to the health, safety and welfare of the residents, businesses, industries and governmental and charitable agencies of the village and that the health, safety and welfare of the residents, businesses, industries and governmental and charitable agencies is enhanced by the creation of a public Sewage Disposal System, with regulation by the village of pollutants and other harmful materials, according to state and federal standards.

(B) Method of measuring use of Sewage Disposal System. The Village Council finds that the most practical, cost-effective and accurate method, given available technology, of measuring the use of the Sewage Disposal System by all users is by a meter or meters installed to measure water usage by the user.

(C) Continuation of Sewage Disposal Service. The Village Council has previously found and further currently reaffirms that in order to provide and continue to provide for the safe and uninterrupted removal and treatment of sewage, pollutants and other harmful materials, it is necessary from time to time to install improvements, enlargements, extensions and repairs to the Sewage Disposal System.

(D) Purpose of fees. The fees for the use of and connection to the Sewage Disposal Supply System are hereby established for the purpose of recovering the cost of operation, maintenance, repair, replacement and improvement of the Sewage Disposal System and to comply with federal and state laws and regulations, to provide for the payment of principal of and interest on any bonds authorized to be issued as and when the same become due and payable and to provide an account for reasonable and necessary improvements to the Sewage Disposal System. The fees shall be made against all users of the Sewage Disposal System in a fair and equitable manner and based on the level of service provided, in accordance with the purposes herein described, as well as the following:

(1) All premises connected to the Sewage Disposal System shall be charged and shall make payments to the village in amounts computed on the basis of this subchapter;

(2) The rates and fees for sewage disposal service provided by the Sewage Disposal System are established herein to adequately provide for bond requirements and to ensure that the Sewage Disposal System does not operate at a deficit. The rates and fees shall be established by resolution of the Village Council based upon advice of the village's engineers and administrative staff; and

(3) The charges, rates and fees shall be set so as to recover costs from users in reasonable proportion to the cost of serving those users.

(E) Proportionality, fairness and benefits of rates and fees. The Village Council has previously found and further currently reaffirms, that the most fair and reasonable method of providing for

the operation, maintenance, repair, replacement and improvement of the Sewage Disposal System is to charge each user a proportionate share of the cost of:

(1) Retiring debt secured by the net revenues of the Sewage Disposal System issued to pay for improvements and replacements to the Sewage Disposal System;
(2) Ongoing repair, replacement and improvement and budgeted as part of the annual costs of the Sewage Disposal System; and
(3) Operation, administration and maintenance costs of the Sewage Disposal System.

(F) Sewer service charges. The village has investigated several methods of apportioning the costs of the sewer service. Based on its investigation, the Village Council has previously found and currently reaffirms that to ensure the stability and viability of the Sewage Disposal System for the benefit of its users, the most fair and accurate way to apportion the costs of operation, maintenance, replacement and improvement of the Sewage Disposal System is to charge each user:

(1) A commodity charge for sewer usage which is based on the user's actual metered use of water supplied by the Village's Water Supply System (or, in the case of residential users, not served by the Village's Water Supply System based on actual metered water use from a private water supply or the number of bedrooms in the premises served);

(2) A readiness-to-serve charge for sewer usage based on meter size, which fee reflects each user's proportionate share of the fixed costs of operating and maintaining the Sewage Disposal System;

(3) A capital connection fee to be paid by persons connecting to the Sewage Disposal System or changing their user classification in order to defray certain capital costs incurred to provide sufficient capacity to all users; and

(4) The other fees and costs for services as authorized by this subchapter.

(G) Benefits of charges. The Village Council further has previously found and currently reaffirms that the charges, rates and fees set forth herein and by resolution fairly and accurately apportion the fixed and variable costs of providing sewer service among the users of the Sewage Disposal System and that the commodity charge and readiness-to-serve charges provide actual benefits to the users in the form of ready access to sewer service that would be unavailable if the charges were not imposed.

(H) Fair charges. In addition to the findings set forth above, the Village Council has previously found and currently reaffirms that the capital connection fee is a fair and proportionate charge for new users of the Sewage Disposal System and that the opportunity to connect to the Sewage Disposal System provides actual benefits to each new user equal to or greater than the amount of the charge.

SEWAGE DISPOSAL SYSTEM; RULES AND REGULATIONS

§ 51.20 ESTABLISHMENT OF SEWAGE DISPOSAL SYSTEM.

Based on the above findings and for the purposes set forth above, and pursuant to the authority granted to the village under Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138 and § 141.121, as amended, Public Act 3 of 1895, being M.C.L.A. §§ 61.1 through 75.12, as amended, and Art. 7, § 24 of the Michigan Constitution of 1963, the village has previously established and hereby reestablishes the Sewage Disposal System, as an enterprise system, consisting of the complete Sewage Disposal System and publicly owned treatment works of the village, including all pumps, pump houses, sewage treatment facilities, sewers, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial, industrial or institutional wastes, and all other appurtenances thereto, including all easements, rights and land for the easements, and including all extensions and improvements thereto which may be acquired or constructed on behalf of current and future users of the Sewage Disposal System. The Sewage Disposal System shall be operated on a public utility rate basis.

§ 51.21 UNLAWFUL WASTE DISPOSAL; DISCHARGE TO NATURAL OUTLETS PROHIBITED.

(A) 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 village, or in any area under the jurisdiction of the village, any human or animal excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of the village, any sewage, industrial waste or other polluted waters, except when suitable treatment has been provided in accordance with the provisions of this subchapter.

(C) The Village Council has previously found and currently reaffirms that the use of septic tanks, privies, privy vaults, cesspools or similar private sewage disposal facilities, is deleterious to the health, safety and welfare of the residents, businesses, industries and governmental and charitable agencies of the village. 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, unless specifically permitted by the Oceana County Health Department (District Health Department 10) or as hereinafter provided.

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the village within 200 feet at the nearest point from the structure in which sewage originates, is hereby required at the owner's expense to install suitable sewage facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 180 days after date of official notice to do so.

(E) No user shall discharge, cause or allow to be discharged any stormwater, surface water, groundwater, water from footing drains, roof water or backwash water to any sanitary sewer or sewer connection. Any premise connected to a storm sewer shall comply with all county, state and federal requirements as well as those of the village. Downspouts, roof leaders and backwash lines shall be disconnected from the sanitary sewers within six months of the effective date of this subchapter. Failure to disconnect shall give the village the right to make the disconnection and the property owner shall be responsible for paying the village for the costs incurred by the village in making the disconnection.
Penalty, see § 51.99

§ 51.22 INDUSTRIAL USERS; INFORMATION REQUIRED PRIOR TO CONNECTION TO SEWAGE DISPOSAL SYSTEM; CONDITIONS; REPORTING AND PRETREATMENT REQUIREMENTS.

(A) Industrial users. Each industrial user and at the request of the Director, any other person who applies for or receives sewer service from the Sewage Disposal System, shall file the information listed below with the Director. Any industry which does not normally discharge to the Sewage Disposal System, but has the potential to do so from accidental spills or similar circumstances, shall also file a Baseline Monitoring Report including, but not limited to the information below.

(1) Name, address and location of the user;
(2) Whether the user is a corporation, partnership, proprietorship or some other entity (if so, what type of entity) and the name of the person(s) responsible for discharges by the user;
(3) Standard Industrial Classification number according to the Standard Industrial Classification Manual, United States Office of Management and Budget, as supplemented and amended from time to time;
(4) Discharge constituents and characteristics including, but not limited to, toxic pollutants as determined by appropriate chemical and biological analyses. Sampling and analyses shall be performed in accordance with procedures established by the EPA and contained in 40 C.F.R. Part 136, as amended;
(5) Time and duration of discharges;
(6) Average daily and instantaneous peak discharge flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Director;
(7) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and other relevant equipment by size, location and elevation;
(8) Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the Sewage Disposal System intentionally or by accident;

(9) Nature and concentration of any pollutants in the discharge limited by this subchapter, together with a statement regarding whether or not compliance is being achieved with this subchapter on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this subchapter;

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials used (average and maximum per day or other relevant time period), including copies of material safety data sheets;

(12) A list and copy of all environmental permits held by the user applicable to the site to which the use permit applies; and

(13) Any other information as may be deemed necessary by the Director to evaluate the permit application.

(B) Discharge modifications. Within three months after the effective date of the promulgation or revision of a National Categorical Pretreatment Standard, all affected industrial users must submit to the village the information required by subsection (A) above.

(C) Discharge conditions. Wastewater discharges shall be subject to all provisions of this subchapter and all other applicable regulations, user charges and fees established by the village. The village may:

(1) Set unit charges or a schedule of charges and fees for the wastewater to be discharged to the POTW;

(2) Limit the average and maximum wastewater constituents and characteristics;

(3) Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;

(4) Require the installation and maintenance of inspection and sampling facilities;

(5) Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(6) Establish compliance schedules;

(7) Require submission of technical reports or discharge reports;

(8) Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the village and affording village access thereto and copying thereof;

(9) Require prompt notification of the village in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Require immediate notification of all discharges that could cause problems to the POTW, including slug discharges;

(11) Require other conditions as deemed appropriate by the village to ensure compliance with this subchapter;

(12) Require waste treatment facilities, process facilities, waste streams or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise the facilities;

(13) Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes;

(14) Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements; and

(15) Control through permit, order or similar means, the contribution to the POTW by each user to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five years, require non-transferability without appropriate prior notification, set effluent limits, establish monitoring and reporting requirements and contain a statement of applicable penalties for violations.

(D) Monitoring facilities. The village may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the village may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the village and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the village. If monitoring Facilities are required, the user will enter into an operation and maintenance agreement with the village in accordance with the Village Technical Standards.

(E) Pretreatment requirements.

(1) Industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by Federal Pretreatment Standards and as required by the village. Any facilities required to pre-treat wastewater to a level acceptable to the village shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the village for review and shall be approved by the village before construction of the facility. The review of the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the village under the provisions of this subchapter. Any

subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the village prior to the user's initiation of the changes.

(2) The village will annually publish in a major local newspaper a list of the users which were in significant noncompliance with any pretreatment requirements or pretreatment standards at least once during the 12 previous months. The notification will identify the nature of the violation and summarize any enforcement actions taken against the user(s) during the same 12 months.

(3) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or Michigan Department of Environment, Great Lakes, and Energy upon request.

(F) Additional reporting requirements.

(1) Baseline reports.

(a) Within 180 days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected industrial users must submit to the village the information specified by 40 C.F.R. § 403.12(b), paragraphs (1) through (7);

(b) At least 90 days prior to commencement of discharge, new sources and sources that become affected industrial users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the village the information specified by 40 C.F.R. § 403.12(b), paragraphs (1) through (5). New sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable pretreatment standard and shall give estimates of the required information regarding flow and pollutant discharge.

(2) Compliance date report. Within 90 days following the commencement of the introduction of wastewater into the POTW by a New Source, any user subject to pretreatment standards or Pretreatment Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or Pretreatment Requirements and the average and maximum daily flow for these process units in the user facility which are limited by the pretreatment standards or pretreatment requirements. For users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the long-term production rate. For all other users subject to National Categorical Pretreatment Standards expressed per unit of production, the report shall include the actual production during the sampling period. The report shall state whether the applicable pretreatment standards or pretreatment requirements are being met on a consistent basis and, if not, what additional pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or pretreatment requirements. This statement must be signed by an authorized representative of the industrial user as required in subsection (I) below.

(3) Periodic compliance reports.

(a) All significant industrial users discharging into the POTW or the Sewage Disposal System shall submit to the Director during the months of June and December, unless required more frequently by applicable pretreatment standards or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by the pretreatment standards or this subchapter;

(b) In addition, this report shall include a record of maximum daily flows during the reporting period;

(c) All periodic compliance reports must be signed and certified in accordance with subsection (I) below;

(d) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep his or her monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge;

(e) If a user is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the village, using standard laboratory procedures, the results of this additional monitoring shall also be included in the periodic compliance report described in division (F)(3) above; and

(f) If sampling performed by a user indicates a violation, the user shall notify the village within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and submit the results of re-analysis to the village within 30 days after becoming aware of the violation, except when the village will be performing scheduled surveillance sampling and/or analysis within this 30-day period.

(4) Notification of hazardous waste discharges. All users shall notify the POTW, the EPA Regional Waste Management Division Director and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 C.F.R. § 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 C.F.R. § 403.12(p). In the case of any new regulations under § 3001 of the Resource Recovery and Conservation Act (42 U.S.C. §§ 6901 et seq.) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must provide notification of the discharge of the substance within 90 days of the effective date of the regulations. In the case of any notification of hazardous waste discharges, the user shall further certify that he or she has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(G) Inspection and sampling.

(1) The village shall inspect the facilities of any user to ascertain whether the purpose of this subchapter is being met, and the user is complying with all requirements. Persons or occupants of premises where wastewater is created or discharged shall allow the village or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of his or her duties.

(2) The village, Department of Environment, Great Lakes, and Energy and EPA shall have the right to set up on the user's property the devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with his or her security guards so that upon presentation of suitable identification, personnel from the village, Department of Environment, Great Lakes, and Energy and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(H) Confidential information.

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate, to the satisfaction of the village, that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this subchapter, the NPDES permit or the pretreatment standards; provided, however, that the portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(3) Information accepted by the village as confidential shall not be transmitted to any governmental agency or to the general public by the village until and unless a ten-day notification is given to the user.

(I) Signatory requirements.

(1) All reports required by this section shall be signed by the authorized representative of an industrial user and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) If the authorized representative of an industrial user changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the user, a new authorization satisfying the definition of an authorized representative of an industrial user as set forth in division (A) above, must be submitted to the village prior to, or together, with any reports to be signed by that representative.

§ 51.23 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(A) When a public sewer is not available under the provisions of § 51.21(D), the building sewer shall be connected to an approved private Sewage Disposal System.

(B) Before commencement of construction of a private Sewage Disposal System, the owner shall first apply to the Oceana County Health Department (District Health Department 10) for a soil evaluation test. The fee for this application shall be determined by the Oceana County Health Department (District Health Department 10) and shall be paid to the Oceana County Health Department (District Health Department 10). At completion of the above soil evaluation test showing the site is suitable for the construction of a private Sewage Disposal System, the property owner shall apply for a permit for installation for the proposed private Sewage Disposal System. The application shall include plans, specifications and other information as deemed necessary by the Oceana County Health Department (District Health Department 10). At the time the application is filed, the fee determined by the Oceana County Health Department (District Health Department 10) for the permit and inspection shall be paid by the owner.

(C) A permit for a private Sewage Disposal System shall not become effective until the installation is completed to the satisfaction of the Oceana County Health Department (District Health Department 10). The Oceana County Health Department (District Health Department 10) shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Oceana County Health Department (District Health Department 10) when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seven days of the receipt of notice by the Oceana County Health Department (District Health Department 10). All persons receiving a permit for a private Sewage Disposal System shall provide the village with copies of all final approved inspection reports issued by the Oceana County Health Department (District Health Department 10).

(D) The type, capacities, location and layout of a private Sewage Disposal System shall comply with all recommendations of the Oceana County Health Department (District Health Department 10). No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(E) At the time as a public sewer becomes available to a property served by a private Sewage Disposal System, as provided in § 51.21(D), a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled in accordance with the Oceana County Health Department (District Health Department 10) standards and regulations.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the village.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any other agency having legal jurisdiction.

§ 51.24 BUILDING SEWER AND CONNECTIONS.

(A) No person shall make an excavation or opening in or under a street right-of-way, nor shall any person uncover, make any connection with or opening into, use, alter or disturb, directly or indirectly, any public sewer or appurtenance thereof, without first obtaining a written permit from the designated official of the village. The owner or his or her agent shall make application for the permit on a form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information required by this subchapter or considered pertinent in the judgment of the village. No permit shall be granted until the applicant posts a cash deposit or surety bond as provided in the fee schedule, files evidence of a liability insurance policy as provided by the village fee schedule and pays the connection fee and all other fees required by the fee schedule or by resolution of the Village Council at the time the connection is to be made. A sewer tap permit issued by the Oceana County Health Department (District Health Department 10) shall also be required to be obtained by the applicant prior to commencing any work under the permit. If a street opening is required to make the lead connection, an additional attachment to the permit application must be completed detailing the justification and need for the opening before a permit will be issued by the village. A permit application must be made, the applicable fees paid and approval obtained from the village at least 72 hours before commencement of work for which the permit application is made. In addition to the foregoing, the issuance of a permit as provided in this division shall be subject to the following terms and conditions regarding street excavation and cuts found in the Village Code.

(B) Sewer tap permits will expire within six months of purchase and fees will be returned with no interest if construction has not begun on the exact parcel for which the tap permit was purchased. A new application will be required for each property or for a replacement tap permit should a property owner allow a permit to expire.

(C) The applicant for a building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. Twenty-four hour minimum notice is required. No building sewer shall be covered until after it has been inspected and approved by the Village Engineer or qualified Village Agent and the Oceana County Health Department (District Health Department 10).

(D) All cost and expense incident to the installation, maintenance and connection of the building sewer to the public sewer shall be borne by the owner. It shall be the duty of each property owner to maintain, clean and repair the building sewers servicing the owner's property and any private sewer lines to the public sewer at the owner's expense as necessary to keep the lines free and clear of obstructions and in good working order.

(E) All liabilities incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify and save harmless the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(F) A separate and independent dry well or similar device that shall adequately handle backwash shall be provided for every water conditioning device and the water conditioning device shall be connected to the dry well or similar device in such a manner as to prevent the discharge of backwash into the Sewage Disposal System. All new residential, commercial or industrial buildings shall also be required to install a separate and independent dry well or similar device that shall be designed and constructed to adequately handle backwash to prevent the discharge of backwash into the Sewage Disposal System even if a water conditioning device is not initially installed. This shall also apply to all residential, commercial or industrial properties that have been destroyed or demolished and subsequently are being, or have been, rebuilt, remodeled or otherwise restored. All dry well or similar devices will be installed in accordance with Village Technical Standards. A physical inspection and approval of the dry well or similar device and its related plumbing shall be made by the Village Engineer or qualified Village Agent, for all newly constructed, remodeled, rebuilt or otherwise restored buildings, before water and sewer service is provided by the village. It shall be the duty of each property owner who owns a building covered by this division to install, maintain, replace or clean the dry well or similar device at his or her own expense.

(G) It shall be the duty of the village to maintain, clean and repair as necessary and at its expense the public sewer. The village shall not be responsible for cleaning or maintenance of building sewers or private sewer lines.

(H) Any property owner who shall violate the provisions of this subchapter shall be liable to the village for civil damage incurred in correcting the defect. In addition, any violation of the provisions of this subchapter, unless the violation constitutes a crime under the laws of the state, is a municipal civil infraction subject to a fine of not more than $500 plus court costs and costs of

prosecution. If any property owner fails to maintain a private sewer line as required by this subchapter, in addition to the other penalties prescribed, the sewer may be declared a public nuisance by the village and the defect may be corrected by the village. Any costs so incurred shall be assessed against the property and become a lien on the property if not timely paid.

(I) A separate and independent building sewer shall be provided for every building; provided, however, that when one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard or driveway, the building sewer from the front building may be extended to the rear building in accordance with Village Technical Standards. In the event that this lot is split, the owner of the lot containing the building without a sewer must construct a building sewer in accordance with this section and the Village Technical Standards. Alternatively, the owner may install a separate tap and water meter and present a copy of a recorded easement for the continued use of the building sewer for the front building to the Village Engineer or qualified Village Agent.

(J) Old building sewers may be used in connection with new buildings only when they are inspected by video equipment at the expense of the owner and found on examination and test by the qualified Village Agent, to meet all requirements of this subchapter.

(K) The building sewer shall be constructed of materials meeting the requirements of the Village Technical Standards. The village reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant the protection in the opinion of the Director.

(L) The size and slope of the building sewer shall be in accordance with the Village Technical Standards.

(M) Whenever possible, the building sewer shall be brought to the building in accordance with the Village Technical Standards.

(N) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted in accordance with the Village Technical Standards and discharged to the building sewer.

(O) All joints and connections shall be made gastight and watertight in accordance with the Village Technical Standards. All joints shall be approved by the Village Engineer or qualified Village Agent.

(P) No sewer connection will be permitted unless there is capacity available in all downstream sewers, lift stations, force mains and the POTW, including capacity for treatment of BOD and suspended solids. The study of the downstream capacity shall be performed by the applicant's engineer in accordance with the Village Technical Standards. Study of downstream capacity shall be reviewed and approved by the Village Engineer or qualified Village Agent.

(Q) All newly constructed building sewers shall have a properly sized clean-out in accordance with the Village Technical Standards.

(R) All sewers shall be constructed in accordance with the Village Technical Standards and the IBC. Any deviation from the prescribed procedures and materials must be approved by the Village Engineer or qualified Village Agent before installation.

(S) Other permits and inspections may be required by other governmental authorities or agencies. The applicant is solely responsible for obtaining all other necessary permits and inspections and for paying all costs associated therewith.

(T) All excavations for building sewer installations shall be done in accordance with the Village Technical Standards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the Village Technical Standards and approved by the Village Engineer or qualified Village Agent.

(U) All holes or trenches dug in the public streets or roads shall be backfilled in accordance with the Village Technical Standards and the Village Code.

Penalty, see § 51.99

§ 51.25 USE OF PUBLIC SEWERS.

(A) General discharge prohibitions.

(1) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all the users of the POTW whether or not the user is subject to the National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. The village may refuse to accept any wastes which will cause the POTW to violate its NPDES permit discharge limits. A user may not contribute the following substances to any POTW:

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140°F (60°C), using the test methods specified in 40 C.F.R. § 261.21;.
(b) Wastewater having a pH less than six or greater than nine or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;
(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal

guts or tissues, paunch manure, bones, hair, hides or fleshings, 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;

(d) Any pollutants, including oxygen demanding pollutants (BOD and the like) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(e) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40℃ (104℉);

(f) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(g) 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 POTW or exceed the limitation set forth in a National Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to § 307(a) of the Act;

(h) Any noxious or malodorous liquids, gases 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 and repair, including pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(i) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(j) Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(k) Any unpolluted water including, but not limited to stormwater, groundwater, surface water, roof water, artesian well water, subsurface drainage, swimming pool drainage, condensate, deionized water or non-contact cooling water, unless specifically authorized by the Director;

(l) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

(m) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards;

(n) Any waters or wastes containing suspended solids or any constituent of the character and quantity that unusual attention or expense is required to handle the materials at the POTW;

(o) Any waste from individual Sewage Disposal Systems; provided, however, that waste from individual Sewage Disposal Systems may be accepted at the POTW treatment plant as provided in § 51.26 or may be disposed of directly into a sanitary sewer upon entering into an agreement with the village, which agreement shall specify the site of disposal, sewage disposal charge and the other conditions as may be required to satisfy the sanitation and health requirements of the village. For the purpose of this section, INDIVIDUAL SEWAGE DISPOSAL SYSTEM is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste or sewage other than a public sanitary sewer;

(p) Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants; and

(q) Any backwash water, water or wastewater containing chloride levels greater than 230 mg/l or sodium levels greater than 120 mg/l or which may cause the POTW to violate its NPDES permit discharge limits.

(2) No wastes or wastewater shall be discharged by any user or person into the POTW from a vehicle which transported the waste or wastewater to the point of discharge, unless the discharge is approved in writing prior to the discharge by the Director. No wastes or wastewater shall be discharged by any user if the waste or wastewater was at any time transported by a vehicle (such as a tank truck) from its point of generation prior to discharge to the POTW, unless the discharge is approved in writing prior to the discharge by the Director. The Director shall specify which location must be used and any other terms and conditions for the discharges, including a requirement for a use permit.

(B) National Categorical Pretreatment Standards. All users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act as set forth in 40 C.F.R. Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements; provided, however, that where a more stringent standard or requirement is applicable pursuant to state law or regulation or this subchapter, then the more stringent standard or requirement shall be controlling.

(C) Specific pollutant limitations.

(1) Conventional pollutants. Except as authorized by the village, no person shall discharge wastewater containing in excess:

(a) Of 410 mg/l BOD;

(b) Of 430 mg/l total suspended solids;

(c) Of 50 mg/l total Kjeldahl nitrogen;

(d) Of 8.5 mg/l total phosphorus;

(e) Of 100 mg/l by weight of fat, oil or grease;

(f) Of 230 mg/l chloride; and

(g) Of 120 mg/l sodium.

(2) Concentrations. Should the above concentrations, either individually or in combination with one another, interfere with the sewage treatment process or cause difficulties or damage to the receiving waters, the maximum concentrations of these substances will be reduced by order of the Director. Should any other substances, either individually or in combination with other substances, interfere with the sewage treatment process or cause damage to the receiving waters or affect the POTW, the allowable concentration of these substances will be reduced by order of the Director.

(3) Discharged waste waters. If any waters are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the village may:

(a) Reject the wastes;

(b) Require pretreatment to reduce the pollutant levels or deleterious characteristics to levels below the specific pollutant limitations set forth in this subchapter;

(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 using taxes or user charges;

(e) Require new industrial users or industries with significant changes in strength or flow to submit prior information to the village concerning the proposed flows; and

(f) If the village permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the village and shall be subject to the requirements of all applicable codes, ordinances, Village Technical Standards and laws.

(D) Village's right of revision. The village reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 51.02.

(E) Grease and oil interceptors, grit separators and other interceptor/separator devices.

(1) Grease and oil interceptors, grit separators and other interceptor/separator devices shall be provided when required by Michigan Plumbing Code or if determined by Village Engineer or qualified Village Agent as being necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature.

They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

(2) Where installed, all interceptors and separators shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. The user will enter into an operation and maintenance agreement with the village for the monitoring facility in accordance with the Village Technical Standards.

(F) Surcharge for discharges of unusual strength.

(1) Where the strength of sewage from any user exceeds the limits set forth in subsection (C)(1) above for conventional pollutants, and where the wastes are permitted to be discharged to the POTW by the Director, an added charge as determined by resolution of the Village Council, will be made against the establishment according to the strength of the wastes, or the Director shall require that the sewage shall be denied, if necessary, to protect the POTW or any part thereof.

(2) The strength of the wastes shall be determined by composite samples taken over a sufficient period of time to ensure a representative sample. If sampling is conducted on a flow-proportional basis, the sampling shall be taken utilizing a flow-proportional sampling device and flow meter approved by the village. The village or its authorized designee or independent contractor shall have access to the premises of any user at all reasonable times for purposes of sampling and testing the strength of sewage of any user in accordance with this division.

(3) If the village determines that it is necessary to conduct sampling and testing of the sewage of any user in order to determine the applicability of any surcharge which may be imposed in accordance with this subchapter, the village or its authorized agent shall be responsible for taking the initial sample in accordance with the requirements of this subchapter. Testing of the initial sample shall be made by an independent laboratory or by the village. The cost of the initial sampling and testing shall be borne by the village. The user may request that the village provide the user with a split sample for testing at the user's own laboratory or an independent laboratory selected by the user; provided, however, that the cost of testing the split sample shall be borne by the user.

(4) If the initial testing described in subsection (F)(3) above reveals the presence of conventional pollutants in excess of the limits set forth in subsection (C)(1) above, the costs of all subsequent sampling and testing, including the testing of any split samples as described in this division, shall be borne by the user. The subsequent sampling and testing may be conducted by the user or, at the option of the user, by the village or its authorized agent.

(a) If testing and sampling is conducted by the user, the user shall provide the village with a split sample. The split sample received by the village may, at the option of the village, be tested by the village or by an independent laboratory. In either case, the user shall reimburse the village for all costs incurred in connection with the testing.

(b) If testing and sampling is conducted by the village, the user may request that the village provide the user with a split sample for testing at the user's own laboratory or an independent laboratory selected by the user. The cost of testing the split sample shall be borne by the user.

(G) Special agreements authorized. With respect to conventional pollutants as set forth in subsection (C)(1) above, only no statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the village and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the village, subject to payment therefore by the person, firm or corporation, provided the agreement will not violate EPA guidelines or NPDES permit requirements and provided the waste will not damage the Sewage Disposal System or the receiving waters.

(H) Wastewater sampling and analyses.

(1) The prohibitions and restrictions in subsections (A),(B) and (C) above, or as set forth in a special agreement (which may be a use permit), shall apply at the point where wastewater and pollutants are discharged or caused to be discharged into the POTW and required pretreatment shall be effected before that point is reached.

(2) All measurements, tests and analyses of the characteristics of water to which reference is made in this section shall be determined in accordance with the latest edition at the time of Standard Methods for Examination of Water and Sewage, published by the American Public Health Association, most current American Society for Testing Material (ASTM) and EPA approved procedures contained in 40 C.F.R. Part 136, or any validated methods from recognized authority in cases where the above referenced procedures are not available or do not apply to the characteristic involved or another method accepted by the village.

(3) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a composite sample of all outfalls of a premise is appropriate or whether grab samples should be taken. If composite sampling is conducted on a flow- proportional basis, the sampling shall be taken utilizing a flow-proportional sampling device and flow meter approved by the village.

(I) Powers and authority of inspectors. Authorized agents of the village, Oceana County Health Department (District Health Department 10), EGLE or the EPA shall have the right to enter all

properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter, the Act and State Act.

(J) Excessive discharges and/or dilution of discharge. Except where expressly authorized to do so by an applicable National Categorical Pretreatment Standard, 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 National Categorical Pretreatment Standards, alternative discharge limits or in any other pollutant-specific limitation developed by the village or state.

(K) Accidental discharges.

(1) Where required by the Director, qualified Village Agent or other governmental agency, a user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter, the Act or the state. The village will evaluate, at least once every two years, whether a user without the protection will be subjected to these requirements. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the village for review and shall be approved by the village before construction of the facility. All required users shall complete such a plan within 180 days after the adoption of this subchapter. If required by the village, a user who commences contribution to the POTW after the effective date of this subchapter shall not be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the village. Review and approval of the plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter.

(2) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the village of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

(3) Within five days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties or other liability which may be imposed by this subchapter or other applicable law.

(L) Violations. It shall be a violation of this subchapter for any industrial user to:

(1) Fail to completely and/or accurately report the wastewater constituents and/or characteristics of the industrial user's discharge;

(2) Fail to report significant changes in the industrial user's operations or wastewater constituents and/or characteristics within the time frames provided in this subchapter;

(3) Refuse reasonable access to the industrial user's premises or waste discharge for the purpose of inspection or monitoring;

(4) Restrict, lockout or prevent, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided that, upon request, reasonable access to the facility is promptly provided;

(5) Restrict, interfere, tamper with or render inaccurate any monitoring devices including, but not limited to, samplers;

(6) Fail to comply with any condition or requirement of the industrial user's wastewater discharge permit, if any; and

(7) Fail to comply with any limitation, prohibition or requirement of this subchapter including any rule, regulation or order issued hereunder.

(M) Upsets.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable National Categorical Pretreatment Standards or pretreatment standards, provided the following requirements are met:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;
(b) The facility was at the time being operated in a prudent and worker-like manner and in compliance with applicable operation and maintenance procedures; and
(c) The user submitted the following information to the village within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(2) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(N) Bypass.

(1) Bypasses are prohibited unless the bypass does not cause a violation of pretreatment standards or pretreatment requirements, but only if it is for essential maintenance to ensure efficient operation of the POTW. These bypasses are not subject to the provisions of subsections (N)(2) and (3) below.

(2) Industrial users anticipating a bypass shall submit notice to the village at least ten days in advance.

(3) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the village within 24 hours from the time the user becomes or should have become aware of the bypass. A written submission shall be provided within five days of the time the industrial user becomes or should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(4) Bypass is prohibited and the village may take enforcement action against a user for the bypass, unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
(b) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
(c) The industrial user submitted required notices.

(5) Where it meets all conditions in subsection (D) above, the village may approve an anticipated bypass.

Penalty, see § 51.99

§ 51.26 DISPOSAL AT WASTE WATER TREATMENT PLANT.

Waste from individual Sewage Disposal Systems (as defined in § 51.25(A)(1)(p)) may be disposed of at the POTW treatment plant with permission of the Director. Rates for the disposal shall be

established by resolution of the Village Council. No other waters or wastes described in § 51.25(A) shall be disposed of through the POTW.

§ 51.27 INDUSTRIAL PRETREATMENT FEES AND SURCHARGES.

(A) It is the purpose of this section to provide for the recovery from industrial users of the Sewage Disposal System of the actual costs of implementing the pretreatment program established herein. The applicable charges or fees shall be established by resolution of the Village Council. The fees may be implemented to recover the actual cost of:

(1) Setting up and operating the pretreatment program;
(2) Monitoring, inspection and surveillance procedures;
(3) Reviewing accidental discharge procedures and construction;
(4) Processing permit applications or transfers and reviewing and processing appeals;
(5) Removal by the village of pollutants otherwise subject to federal pretreatment standards;
(6) Treatment of pollutant loadings not normally treated at or in excess of those treated by the POTW; and
(7) Charges for laboratory testing of wastewater. The laboratory charge shall be for the cost labor, equipment and the actual cost of laboratory testing and will be determined for and paid by each industrial user.

(B) The foregoing charges and fees for the services described above may be established by the Village Council and levied upon any industrial user which may have any sewer connection with the Sewage Disposal System and which discharges industrial waste to the Sewage Disposal System.

§ 51.28 MEASURING SEWER USAGE; WATER METERS REQUIRED FOR ALL USERS.

(A) As described in § 51.03(B), the Village Council finds that the most practical, cost-effective and accurate method, given available technology, of measuring the use of the Sewage Disposal System by all users is by a meter or meters installed to measure water usage by the user.

(B) Commencing on day 90 following the effective date of this subchapter, all new and existing users of the Sewage Disposal System other than residential users shall be required to purchase and install a water meter or meters for the purpose of measuring the amount of water supplied to the premises by river water or from private wells or other private sources. The meter or meters shall be purchased by the owner of the property served by the Sewage Disposal System and shall be maintained at the expense of the owner. The purchase and installation of a water meter as described in this section shall be required as a condition to the connection to and use of the Sewage Disposal System.

(C) A residential user not served by the Village's Water Supply System may, but shall not be required to purchase and install a water meter for the purpose of measuring the amount of water supplied to the premises by private well or other private source. A meter described in this section shall be purchased by the residential user from the village and shall be maintained at the expense of the user. A residential user electing to purchase and install a water meter as described in this section shall be assessed a commodity charge on the basis of metered water consumption.

(D) Any user may, but shall not be required to install a secondary water meter for outdoor irrigation systems. Any outdoor hose spigots may be part of the independent water system metered by the secondary irrigation system meter. The secondary irrigation meter shall be installed in such a manner that the water usage registered through the secondary irrigation meter is entirely separate from the water usage metered through the primary water meter or meters. A meter described in this section shall be purchased by the owner of the property served by the Sewage Disposal System and shall be maintained at the expense of the owner. Water consumed for irrigation purposes, as measured by a secondary irrigation meter installed in accordance with this section, shall be excluded from the calculation of, and shall not be subject to, the commodity charge described in § 51.29(C)(1)(a). Any meter installed pursuant to this section shall comply with the Village Technical Standards.

§ 51.29 ESTABLISHMENT OF RATES; RATES AND CHARGES.

(A) Establishment of cost of service. The Village Council has determined that the purpose of sewer rates is to produce sufficient revenues each year to pay the costs of service. The costs of service to be paid from revenues shall include all of the following:

(1) Operation and maintenance expenses;
(2) Debt service expenses; and
(3) Capital expenses not funded from bonded indebtedness.

(a) The rates to be charged for sewer service furnished by the Sewage Disposal System shall be made against each lot, parcel of land or premises having any connection with the Sewage Disposal System.

(b) The village shall periodically review rates, fees, rules and regulations of the Sewage Disposal System. The review shall be completed not less than one time per fiscal year. The review will define actual expenses associated with the operation, maintenance and administration of the Sewage Disposal System, as well as debt service requirements and repair and replacement costs. Results of the review shall be reported to the Village Council with recommendations for any adjustments.

(B) Allocation of cost of service; user classification. The Village Council has determined that not all classes of users of the Sewage Disposal System cause the same costs of service. The Village Council has previously found and currently reaffirms that:

(1) The commodity costs of sewer service for users of the Sewage Disposal System located within the village are uniform among users in accordance with the volume of use; provided, however, that in certain cases where the character of the sewage from a particular source is such that unreasonable additional burden is placed on the Sewage Disposal Systems, the additional cost of treatment created thereby requires an additional surcharge above the rates normally charged for the service;

(2) Certain indirect costs of providing sewer service vary according to the size of meters employed;

(3) Users taking possession of previously undeveloped properties, and users changing the nature and amount of use of the Sewage Disposal System at renovated or expanded properties would not bear their proportionate share of the cost of capital improvements to the Sewage Disposal System unless required to pay a capital connection fee;

(4) Certain types of property use require a reservation of a greater capacity of the Sewage Disposal System than others. The Village Council has therefore developed the following classification of users, which the Village Council finds is the most fair and accurate means of apportioning the indirect costs of providing service among different classes of users for purposes of calculating the readiness-to-serve charge and determining the relative demand on capacity of the Sewage Disposal System among different classes of users for purposes of calculating the capital connection fee;

(5) For meters of the following sizes, the following meter equivalency ratios shall be used for purposes of allocating the amount of the indirect costs of service and determining the relative demand on capacity of the Sewage Disposal System per meter size:

Meter Size (Inches)	AWWA Meter Capacity Ratio
5/8 and ¾"	1
1"	2.5
1 ½"	5
2"	8
3"	17.5
4"	30
6"	62.5
8"	90

(6) Un-metered residential properties shall be assigned a meter capacity ratio of one for purposes of calculating the rates and charges prescribed by this subchapter.

(C) Specific rates and charges.

(1) Commodity charge. Every user of the Sewage Disposal System shall pay a commodity charge for all sewer and wastewater treatment services furnished by the Sewage Disposal System:

(a) Except as otherwise provided in this subchapter, commodity charges for all sewer and wastewater treatment services shall be calculated on the basis of metered gallons of water consumed (excluding water consumed for irrigation purposes as measured by a secondary irrigation meter installed in accordance with § 51.28(D)) at rates determined by resolution of the Village Council and which fairly apportion the variable costs of providing sewer and wastewater treatment services to users of the Sewage Disposal System.

(b) Residential users not served by the village's Water Supply System and which have not installed a water meter in accordance with § 51.28(C) shall be assessed a commodity charge calculated on the basis of the number of bedrooms in the dwelling or residence at rates determined by resolution of the Village Council and which fairly apportion the variable costs of providing sewer and wastewater treatment services to the users of the Sewage Disposal System.

(2) Readiness-to-serve charge. Every user shall pay a readiness-to-serve charge for sewer service on the basis of meter size in an amount and in the manner determined by resolution of the Village Council and which fairly apportions the fixed costs of providing sewer service for users of the Sewage Disposal System.

(3) Connection fee. Each user connecting or reconnecting, directly or indirectly, to the Sewage Disposal System shall pay a connection fee related to the installation and inspection of the connection or re-connection, as determined by resolution of the Village Council.

(4) Capital connection fee. The Village Council may, by resolution, establish a capital connection fee to defray or recover the cost of capital improvements which are acquired and constructed for the primary purpose of providing additional capacity determined by the village to be reasonably necessary to accommodate:

(a) New connections to the Sewage Disposal System; or

(b) Modifications of existing connections for a use estimated to demand the reservation of greater capacity of the Sewage Disposal System than previously required. Every person seeking to connect previously unconnected property to the Sewage Disposal System, or to reconnect previously connected property to the Sewage Disposal System for a use estimated to demand the reservation of greater capacity of the Sewage Disposal System, may be required to pay a capital connection fee. A capital connection fee shall be established and managed as provided in this section.

1. Calculation of estimated demand on capacity. The estimated demand on capacity of a new connection to the Sewage Disposal System (or modification of an existing connection to the Sewage Disposal System) shall be based on the meter equivalency table set forth in subsection (B)(5) above.

2. Calculation of capital cost requirements. The capital costs to be defrayed or recovered through the imposition of the capital connection fee shall be determined annually by the village and shall be based on the estimated cost of capital improvements incurred or to be incurred for the primary purpose of providing additional capacity determined by the village to be reasonably necessary to accommodate new connections to the Sewage Disposal System or modifications of existing connections for a use estimated to demand the reservation of greater capacity of the Sewage Disposal System than previously required.

3. Credits. If the capital connection fee relates to an increase in demand on capacity, the village shall credit against the specific amount of the capital connection fee, the amount of any capital connection fee or similar charges previously paid for connection of that property to the Water Supply System.

(5) Sewer surcharges. The Village Council may, by resolution, establish surcharges for the actual cost of treatment of pollutant loadings not normally treated or in excess of those normally treated by the POTW, as described in § 51.25(F).

(6) Meter charge. Each user installing a water meter in accordance with § 51.28(B) and (C) or a secondary irrigation meter in accordance with § 51.28(D) shall pay the actual cost of the meter and components plus a 10% fee for administration and handling. The meter charge shall be in addition to the connection fee and other fees and charges prescribed by this subchapter.

(7) Other fees. The Village Council may, by resolution, establish certain additional fees as may be required to carry out the purposes of this subchapter.

(D) Publication of rates. Following approval from time to time by the Village Council of rates and charges or revisions thereto for use of the Sewage Disposal System in accordance with this subchapter, the rates as approved by the Village Council shall be published once in a newspaper of general circulation in the village within 30 days of approval thereof.

§ 51.30 PROTECTION FROM DAMAGE.

No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewage Disposal System.

Penalty, see § 51.99

§ 51.31 ENFORCEMENT.

(A) Notice of violation. The village may issue a notice of violation with or without an order against any user believed to be in violation of this subchapter and determine the civil administrative penalty, if any, to be imposed. The notice of violation shall be served upon the user either by personal delivery or by first class mail addressed to the user at his or her billing address, except that an immediate cease and desist order may be written or oral, and may also be served by telephone. The notice of violation shall specify the:

(1) Date and time of issuance;
(2) Date(s), time(s) and place(s) of violation;
(3) Nature of the violation;
(4) Possible penalties under the ordinance; and
(5) The right of the alleged violator to present to the village written explanations, information or other materials in answer to the notice, including any defenses.

(B) Emergency suspensions and orders.

(1) Issuance of order. If the village determines that a user has violated any provisions of this subchapter or other applicable laws or regulations which the village is authorized to enforce, the village may issue an order, with or without notice of violation and whether or not a notice of violation was previously issued, to take action deemed appropriate under the circumstances.

(2) Immediate cease and desist order. The village may issue an order to cease and desist from discharging any wastewater, incompatible pollutant or illegal discharge. The order shall have immediate effect when the actual or threatened discharge of pollutants to the Sewage Disposal System presents, or may present, imminent or substantial endangerment to the health or welfare of persons, to the environment, or cause interference with the operation of the Sewage Disposal System. If action is not taken immediately to correct illegal discharge, the village will implement whatever action is necessary to halt the discharge, including appropriate legal and/or equitable relief, in the appropriate legal forum.

(3) Order to show cause. In cases other than those described in subsection (B)(2) above, the village may issue an order to show cause why an order to cease and desist by a certain time and date should not be issued. The proposed time for remedial action shall be specified in the order to show cause. The order may also contain the conditions deemed appropriate by the village, including, but not limited to, a requirement to:

(a) Submit samples;
(b) Install sampling or monitoring equipment;
(c) Submit reports;
(d) Permit access for inspection, sampling, tests, monitoring and investigations;
(e) Install and operate pre-treatment equipment;

(f) Reduce or eliminate a discharge or pollutants in a discharge; and
(g) Payment of use permit fees.

(4) Disconnection orders. The Director may disconnect a user from the Sewage Disposal System if the user violates any provision of a final order issued pursuant to this section or an immediate cease and desist order issued pursuant to subsection (B)(2) above (whether final or not).

(5) Content of orders. Any order issued by the village shall contain the facts and grounds for its issuance and the remedial action ordered, together with the time within the action shall be taken. No such order shall be deemed insufficient, however, for inconsequential errors and omissions in the facts and grounds for the order. If any user deems the content of the order to contain insufficient information, it may request additional information from the village; however, no request shall extend any time limit or defer any payment, except as hereinafter set forth.

§ 51.32 APPEALS.

(A) Any user shall have the right to appeal any order, enforcement decision or other action taken by the village pursuant to this subchapter to the Village Council, unless the order, enforcement decision or other action has previously been approved or authorized by Village Council. The appeal shall be directed to the village within 30 days of the issuance of the order or the effective date of any enforcement decision or other action taken by the village. The Village Council shall consider the appeal and determine, in each particular case, whether any deviation from strict enforcement of the order or other enforcement decision or action will violate the intent of this subchapter or jeopardize the public health or safety. Resolution of appeals shall be made by the Village Council within 30 days of filing by a user of the appeal and any supporting documentation, in accordance with the best available data and this subchapter.

(B) Any user shall have the right to appeal any rates, charges or fees levied in accordance with this subchapter. Appeals shall be directed to the village within 45 days of the billing or invoice date, along with any supporting documentation. Any additional information required to resolve the appeal shall be obtained by the user at his or her expense. Resolution of appeals shall be made by the Village Council within 60 days of filing by a user of the appeal and any supporting documentation, in accordance with the best available data and this subchapter. All bills for rates and charges outstanding during the appeal process, including all late payment fees or delinquency charges, shall continue to be due and payable.

§ 51.33 OPERATION AND ADMINISTRATION; FISCAL YEAR.

(A) The operation, maintenance and management of the Sewage Disposal System shall be under the supervision and control of the Village Council or its agents. The village retains exclusive right to establish, maintain and collect rates and charges for use of the Sewage Disposal System, and in

the capacity, the Village Council may employ the person in the capacity as it deems advisable, and may make the rules and regulations as it deems necessary or advisable to ensure the efficient establishment, operation and maintenance of the Sewage Disposal System and to discharge its financial obligations.

(B) The fiscal year of the Sewage Disposal System shall begin on July 1 of each year and shall end on the last day of June immediately succeeding July 1.

§ 51.34 RECORDS OF ANNUAL AUDIT; NO FREE SERVICE.

(A) The village will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the Sewage Disposal System. The village will cause an annual audit of the books of record and account for the preceding operating year to be made by a recognized independent certified public accountant and will supply the audit report to authorized public officials on request.

(B) Classification of old and new industrial users shall also be reviewed annually.

(C) The village will maintain and carry insurance on all physical properties of the Sewage Disposal System of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of Sewage Disposal Systems. All monies received for losses under any insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

(D) No free service shall be furnished to any user of the Sewage Disposal System.

§ 51.35 BILLING AND COLLECTIONS; TERMINATION OF WATER AND SEWER SERVICE BY VILLAGE.

(A) Billing.

(1) Meters shall be read at least quarterly.

(2) The Village Clerk shall render bills for sewer service provided by the Sewage Disposal System and all other charges in connection therewith. Bills for sewer service shall be sent quarterly and delivered to the user or owner of the premises, as applicable, by mail. No bill for sewer service shall be changed, altered or amended, nor shall the basis upon which it was computed be changed or altered, without consent of a majority of the Village Council. Except as otherwise provided in this subchapter, all bills shall be payable by day 30 following the mailing of the bill and shall be paid at the Village Hall.

(3) The Village Treasurer or an authorized agent of the village shall collect all monies due for sewer service and all other charges in connection with the operation of the Sewage Disposal System.

(4) If any billed charge for sewer service shall not be paid by day 30 following the mailing of the bill for which the charges were made, a delayed payment charge of 10% of the amount of the bill shall be added thereto and collected therewith.

(5) Failure of the user or owner of the premises served to receive any bill shall not relieve the person of the liability for the charges incurred, and the person shall notify the Village Clerk if a bill has not been received by day 15 of the end of a quarterly billing period.

(B) Rates and charges to constitute lien on premises served.

(1) Tax lien. Under the provisions of Public Act 178 of 1939, being M.C.L.A. §§ 123.161 through 123.167, as amended, and Act 94 of 1933, M.C.L.A. § 141.121, as amended, as security for the collection of sewer service supplied to any house or any other building or any premises, lot or lots, or parcel or parcels of land, the village shall have a lien upon the house or other buildings and upon the premises, lot or lots, or parcel or parcels of land, upon which the house or other building is situated. This lien shall become effective immediately upon the distribution of the sewer service to the premises or property supplied. This lien created herein shall be collected and enforced in the same manner as provided for the collection of taxes assessed upon the tax roll pursuant to Village Charter, except that the same shall not be enforceable for more than three years after it becomes effective.

(2) The village shall annually, on April 1, certify to the appropriate tax assessing officer or agency, all unpaid sewer service charges for the services furnished to any premises, which, on the last day of March immediately preceding April 1, have remain unpaid for a period of six months or more, whereupon the charge shall be entered upon the next tax roll as a charge against the piece of property or premises served. The charges shall be collected and the lien thereof enforced in the same manner as general village taxes.

(3) This lien remedy does not preclude any other remedy provided by law.

(4) Lease exception. Charges for sewer services furnished to any premises as described in the preceding paragraph, shall not be a lien thereon if all of the following exist:

(a) A legally executed written lease between the owner of the premises and the tenant containing a provision that the owner of the premises shall not be liable for the paying of sewer services accruing subsequent to the filing of an affidavit by the owner with the Village Clerk;

(b) An affidavit filed by the owner with the Village Clerk containing statements as to the date of the execution of the lease, that the lease contains a provision holding the tenant liable for sewer services on the premises, the expiration date of the lease; and 20 days' written notice shall be given to the village by the lessor of any cancellation, change in, or termination of the lease; and

(C) Deposits.

(1) Deposit required by tenant. If notice of a tenant's liability has been filed with the Village Clerk, the village shall render no further service to such premises until a cash deposit in a sum sufficient to cover three times the average quarterly bill for such premises, as estimated by the Village Clerk, has been made as security for the payment of such charges.

(2) Deposit required for non-village service. Whenever services are applied for under this chapter for premises located outside the village, the Village Clerk shall forthwith advise Council of such application, and no such service shall be furnished without the approval of Council, nor until a cash deposit in a sum sufficient to cover three times the average quarterly bill for such premises, as estimated by the Village Clerk, has been made as security for the payment to secure all bills and charges. However, the Council may waive this requirement in the event the property being served by the village sewer services is covered by an agreement with Pentwater Township to provide for the collection of unpaid rates, fees, and charges and payment to the village by placing such unpaid rates, fees, and charges on the township's summer tax roll.

(3) The security deposit shall be retained by the village in a separate account established for that purpose and shall be forfeited to the village if the lessee of property contemplated in subsection (C)(1) above, or the owner on property outside of the village contemplated in subsection (C)(2) above, shall be or become delinquent in the payment of sewer rates or charges. Upon such forfeiture of a security deposit, the Village Clerk shall transfer as much of the sum of the deposit as is required to satisfy the delinquency to the credit of the proper account, and the remainder, if there be any, shall be transferred to the contingent reserve fund of the sewer department, as the case may be. The property affected shall not be served again unless a new security deposit be made in the same amount as the original, and disconnection preceding under division (F) of this section shall be commenced.

(4) Monies deposited with the village for tenants under this subsection (C), which shall not have been forfeited in the above described manner, shall be returned to the depositor upon his or her application at the expiration of the lease period. Such deposits may be left undisturbed to apply on renewals or extensions of a lease for which the original deposit was made. Upon a sublease or cancellation of a lease contemplated hereunder, security deposits shall, upon request, be returned to the depositor. In the case of a sublease, no such return shall be made unless there be a similar guarantee deposit made by the holder of such

sublease. Monies deposited with the village under this subsection (C) for non-village property service, which shall not have been forfeited in the above described manner, shall be returned to the depositor when all services provided for in this chapter have been paid for in full and further services are not required.

(D) Appeal of charges. Any user shall have the right to appeal any rates, charges or fees levied in accordance with this subchapter. Appeals shall be directed to the village within 30 days of the billing or invoice date along with any supporting documentation. Any additional information required to resolve the appeal shall be obtained by the user at his or her expense. Resolution of appeals shall be made within 60 days by the Village Council or its designee in accordance with the best available data and this subchapter. All bills for rates and charges outstanding during the appeal process, including all late payment fees or delinquency charges, shall continue to be due and payable.

(E) No free service. No free service shall be furnished to any user of the Sewage Disposal System.

(F) Termination of water and sewer service by village. The village reserves the right to terminate a user's sewer service and water service (if the user is a customer of the village's Water Supply System), in each case where payment for sewer service has not been timely received, and/or for violation of any of the rules and regulations of the village relating to the Sewage Disposal System and/or the provisions of this subchapter.

(1) It is the policy of the village to discontinue sewer service under this code to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's form for application for sewer service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;
(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of water billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered

or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the village to discontinue sewer service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in an amount set by Village Council.

(G) Litigation. In addition to discontinuing service to a delinquent user and/or placing a lien on any premises for unpaid charges, the village shall have the option of collecting all such delinquencies and penalties due by legal proceedings in a court of competent jurisdiction.

§ 51.36 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the village official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the village to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in an amount set by Village Council.

§ 51.37 CONTRACT FOR SERVICE; INDEMNITY; LIABILITY OF VILLAGE FOR INTERRUPTION OF SERVICE; LIMITATION ON LIABILITY OF VILLAGE.

(A) All provisions and sections of this subchapter and any amendments hereto shall be considered a part of the contract with every person that is supplied with sewer service through the Sewage Disposal System, and every person by accepting the service shall be considered to express his or her consent to be bound hereby, and whenever any provision or section of this subchapter is violated, the sewer service may be cut off from the building or place of violation at the discretion of the village and shall not be turned on again except upon correction of the violation and payment of the expenses of same as provided in this subchapter.

(B) The user shall indemnify, save harmless and defend the village against all claims, demands, cost or expenses for loss, damage or injury to persons or property in any manner, directly or indirectly, growing out of the installation or use by the user of any building sewer or private sewer lines.

(C) The village shall not be responsible for interruptions of service because of natural calamities, equipment failures or actions of users of the Sewage Disposal System. It shall be the responsibility of the user that all connected equipment remains in good working order so as not to cause disruption of service.

(D) Should it become necessary to shut off service to any user or users of the Sewage Disposal System because of any accident or for the purpose of making repairs or extensions, the village shall endeavor to give timely notice to the users affected thereby and shall, so far as is practicable, use its best efforts to prevent inconvenience and damages arising from any causes, but the failure to give the notice shall not render the village liable in damages for any inconvenience, injury or loss which may result therefrom.

(E) The village shall not be liable for any expense incurred by a permit holder or applicant in locating sewer lines, force mains, pump stations, compilation of sewer records or compliance with other requirements of this subchapter.

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person found to be violating any provision of §§ 50.01 et seq., §§ 51.01 et seq. and §§ 51.20 et seq. shall be served with written notice in accordance with § 51.31(A).

(2) Any person who is found to be in significant noncompliance with the requirements of §§ 51.01 et seq. and §§ 51.20 et seq. shall, unless the significant noncompliance constitutes a crime under the laws of the state, be guilty of a municipal civil infraction and shall be subject to a fine of not more than $500 plus court costs and costs of prosecution upon

conviction thereof. Each day in which any violation shall continue, shall be deemed a separate offense.

(3) A violation of §§ 51.01 et seq. and §§ 51.20 et seq. is also declared to be a public nuisance and the village may enforce by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore and if not collected, the bill will become a lien upon the property.

(4) Any business, industry or individual violating any of the provisions of §§ 51.01 et seq. and §§ 51.20 et seq., which results in fines or penalties being levied against the village, shall become liable for the fine or penalty, plus any expenses, loss or damage occasioned by the violation.

(5) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to §§ 51.01 et seq. and §§ 51.20 17 et seq., or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under §§ 51.01 et seq. and §§ 51.20 et seq., shall, unless the action constitutes a crime under the laws of the state, upon conviction, be guilty of a municipal civil infraction and shall be subject to a fine of not more than $500 plus court costs and costs of prosecution upon conviction thereof.

Section 3. Severability and Captions. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect. Pronouns shall be read as masculine, feminine or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 4. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective on the twentieth (20th) day after the date of passage pursuant to MCL 66.1.

AYES: 6.
Members: Dave Bluhm, Jared Griffis, Dan Nugent, Don Palmer, Claudia Ressel-Hodan and Jeff Hodges.

NAYS: 0.
Members:

ABSENT: 1
Members: Michelle Angell-Powell.

ORDINANCE DECLARED ADOPTED.

Jeffrey Hodges, Village President
Village of Pentwater

Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on July 11TH, 2022 2022, and I further certify that public notice of such meeting was given as provided by law.

Rande S. Listerman, Village Clerk
Village of Pentwater